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reconstruction, political,
military, social, religious,
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1865 to the present

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DOCUMENTARY HISTORY OF RECONSTRUCTION

VOLUME I

A Prospective Scene in the "City of Oaks," 4th of March, 1869.

"Hang, curs, hang! * * * * * *Their* complexion is perfect gallows. Stand fast, good fate, to *their* hanging! * * * * * If they be not born to be hanged, our case is miserable."

The above cut represents the fate in store for those great pests of Southern society—the carpet-bagger and scallawag—if found in Dixie's Land after the break of day on the 4th of March next.

The genus carpet-bagger is a man with a lank head of dry hair, a lank stomach and long legs, club knees and splay feet, dried legs and lank jaws, with eyes like a fish and mouth like a shark. Add to this a habit of sneaking and dodging about in unknown places—habiting with negroes in dark dens and back streets—a look like a hound and the smell of a polecat.

Words are wanting to do full justice to the genus scallawag. He is a cur with a contracted head, downward look, slinking and uneasy gait; sleeps in the woods, like old Crossland, at the bare idea of a Ku-Klux raid.

Our scallawag is the local leper of the community. Unlike the carpet bagger, he is native, which is so much the worse. Once he was respected in his circle; his head was level, and he would look his neighbor in the face. Now, possessed of the itch of office and the salt rheum of Radicalism, he is a mangy dog, slinking through the alleys, haunting the Governor's office, defiling with tobacco juice the steps of the Capitol, stretching his lazy carcass in the sun on the Square, or the benches of the Mayor's Court.

He waiteth for the troubling of the political waters, to the end that he may step in and be healed of the itch by the ointment of office. For office he 'bums' as a toper 'bums' for the satisfying dram. For office, yet in prospective, he hath bartered respectability; hath abandoned business, and ceased to labor with his hands, but employs his feet kicking out boot-heels against lamp-post and corner-curb, while discussing the question of office.

THE FATE OF THE CARPETBAGGER AND THE SCALAWAG

[*Cartoon by Ryland Randolph in the "Independent Monitor," Tuscaloosa, Alabama, September 1, 1868; from copy in possession of the Alabama Department of Archives and History*]

The carpetbagger from Ohio was Rev. A. S. Lakin, who had just been elected president of the University of Alabama; and the scalawag was Dr. N. B. Cloud, Superintendent of Public Instruction of Alabama. Both were driven away from the University by the Klan.

DOCUMENTARY HISTORY OF RECONSTRUCTION

Political, Military, Social, Religious, Educational & Industrial 1865 to the Present Time

BY

WALTER L. FLEMING, Ph. D.

PROFESSOR OF HISTORY IN WEST VIRGINIA UNIVERSITY

With facsimiles

VOLUME I

NEW YORK
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TO MY HISTORY TEACHERS

GEORGE PETRIE

of Alabama

AND

WILLIAM ARCHIBALD DUNNING

of New York

PREFACE

THE purpose of this work is to make more easily accessible to the student and to the general reader some of the original sources relating to the Reconstruction period. The documents reproduced will assist to an understanding of the peculiar conditions — social, political and economic — that prevailed in the Southern states during the Reconstruction. The first volume consists of selections illustrative of the condition of the South after the war, the problems to be solved and the attempts of the President and Congress to solve them, ending with the readmission of the late Confederate States to the Union. The second volume will illustrate the working out in the Southern states of the Congressional plan of Reconstruction, and the adjustments that followed later.

The documents presented are principally laws, state and federal, official reports, and political platforms; accounts of Northern men and foreigners living or traveling in the South; accounts of Southerners, white and black, ex-Confederates and Unionists, Conservatives and Radicals. With the exception of the laws and political documents the material used consists mainly of accounts by persons who had first hand acquaintance with conditions in the South. Owing to the necessity for condensation I have had to leave unused five-sixths of the material gathered while all that has been included has been subjected to a vigorous pruning of all unessential matter. Some congressional debates on matters of theory or policy are included, but I have been obliged reluctantly to omit most of the documents illustrative of those important facts in Reconstruction — viz., the development of public sentiment in the North before 1868 and the reaction that came later.

This public opinion which made possible the Reconstruction and its undoing, is, however, here reflected in the laws and political platforms. Illustrations of it can easily be found in the files of the leading newspapers of the North, such as the *Tribune*, and the *Nation*, which are more accessible even in Southern libraries than the files of important Southern journals. So this field has been somewhat neglected in order to develop others quite as important and more difficult of access. And it may be objected that the Radical side is given space out of proportion to its merits. This is due to the fact that most of the official documents and collections of testimony are of Radical origin and have been better preserved than the Conservative material, much of which has been lost and destroyed or is still inaccessible. All who have done work in Southern history know of the exasperating difficulties that still lie in the way of the use of documents which are in the hands of private individuals. Consequently, the history of the Conservative element must in many cases be developed from unfriendly sources, or from documents that have degenerated through careless or unfriendly use. While the bias of the documents in the first volume is toward the Radical, the reverse is true in the second volume. The dates given in the introductory note at the head of each document indicate the period covered by the document and also the date of origin of the present form of the document. Often the dates are the same. The difference between the two is in some degree a measure of the deterioration of the document.

An examination of the contents of the first volume will show that the origin of the various documents and extracts is about as follows: State laws, 25; federal laws, 17; accounts of Northern men, 148; of Southern men (ex-Confederate), 62; of Southern Unionist and Radical,

22; of negroes, 12; of foreigners, 2. In most of the documents the psychological element is important, especially in the non-legal documents. Of the latter, about 64 are from what may be called the Southern point of view; 118 are from the opposite point of view, and 70 are more or less indifferent or impartial. These may be readily interpreted with proper allowance for the personal equation; to those who desire it, the secondary accounts referred to at the end of each Introduction will furnish the information necessary to construct the historical background; a few words of explanation are given in some of the introductory notes for the purpose of furnishing a clew to the point of view illustrated in that particular document.

For assistance given me during the past six years while working on this collection I am indebted to many considerate friends, North and South, and for special favors to the following: Dr. Thomas M. Owen of the Alabama Department of Archives and History; President D. B. Purinton and Professor Waitman Barbe of West Virginia University; Hon. Dunbar Rowland of the Mississippi Department of Archives and History; Mr. Worthington C. Ford, Chief of the Division of Manuscripts, Library of Congress; Mr. L. S. Boyd, of the library of the Inter-State Commerce Commission; the authorities of the West Virginia University Library, and of the Library of Congress; Generals F. C. Ainsworth and George B. Davis of the War Department; Hon. Junius Riggs of the Alabama Supreme Court Library; Senator Stephen B. Elkins; Hon. A. A. Wiley, Montgomery, Alabama; Dr. G. P. L. Reid, Marion, Alabama; Mr. T. C. Thompson, Chattanooga, Tennessee; Hon. J. S. Reynolds, Columbia, South Carolina; Professor Yates Snowden, South Carolina College; Mrs. Myrta Lockett Avary; Mrs. E. G.

Boyd; Mr. G. W. Duncan of the University Publishing Company; Dr. R. G. Thwaites, Wisconsin Historical Society; Mr Albert Phelps, New Orleans; Hon. W. B. Ridgeley, Comptroller of the Currency. At all stages of the work I have been aided by my wife.

WALTER L. FLEMING.

West Virginia University,
Morgantown, August 5, 1906.

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I

THE SOUTH AFTER THE WAR: ECONOMIC AND SOCIAL CONDITIONS

INTRODUCTION

THE course of Reconstruction was affected to a great degree by the conditions found in the South after the close of the Civil War. In all material aspects these conditions were bad; but of the popular state of mind it is difficult to form a judgment. The documents given below aim to illustrate the social and economic disorder that existed and to exhibit the contradictory opinions held as to the character and temper of the Southern whites.

The loss of life among the Southern soldiers had been large, while great numbers were injured by wounds and by the diseases and hardships of camp and prison. These men, many of them unable to work, came home to find everywhere almost complete economic ruin. Accumulated capital and improvements had disappeared. Slave property, banking capital, bonds and other securities, mills, factories, gins, public buildings, bridges, railroads, steamboats, farm stock and farm implements, furniture and often private houses and property — all these were destroyed, captured or worn out in the four years' war which touched every part of the South. A million white people in the remote districts were for a year or more on the verge of starvation, and many died from lack of food. In the white districts there was destitution after 1862, and the Confederate government had been taxed to the utmost to prevent starvation. The collapse of the

Confederacy left the destitute people without hope of relief. Later the United States government and private charity came to the rescue, but it was ten years before suffering ceased to be common.

The fall of the Confederacy left ten states practically without government for several months; great stretches of country on the military frontiers had been without settled institutions since 1861, and in such districts and in the back country were gathered deserters from both armies, bushwhackers, and other outlaws who preyed upon the defenseless people. Those who had been persecuted as Unionists by the Confederates now retaliated. Negro insurrections were feared. The Federal garrisons, the only reliance to enforce order, were few and small, and the troops were not of the best character — the best ones clamoring for discharge, went north to be mustered out, while those left were principally ill-disciplined blacks, guilty of much disorder.

During this period when there was no authority to protect the Southern people, the territory of the former states was invaded by swarms of treasury agents, or those who pretended to be, searching for confiscable property. No distinction appears to have been made by them between property legally subject to confiscation and property that was not. These agents often united with native thieves and plundered the country of the little that was left in the way of supplies, cotton, tobacco, corn, etc. The statistics show that the Government profited nothing by the confiscations: it has given back to the owners nearly all it received; but most of the proceeds went into the pockets of the agents.

And when the white farmer was endeavoring to begin anew and the black farmer was for the first time working for himself, there came upon the impoverished people the crushing burden of the cotton tax: two and one-half to three cents a pound — $12 to $15 a bale — which took about $70,000,000 from the cotton farmers in 1865-1868. The three years' tax in Alabama, though short crops were made, was equivalent to one-fifth of the total value of the land in the state; in Georgia the negro's cotton tax was nearly twice the amount of rent he paid. Proposals for still heavier taxation were defeated in 1867, by the opposition, it is said, of Northern commercial bodies.

Besides the dark economic outlook there were other matters that irritated or depressed the Southern white population: the fall of the Confederacy; the arrest and imprisonment of their leaders; irritation by the army, Freedmen's Bureau, missionaries, etc; demands by some that the South should acknowledge its sin in slavery and secession, repudiate its former leaders, and not consider it "honorable to have engaged in rebellion;" the prohibition against historical societies and reunions of soldiers; and against the wearing of Confederate clothes or colors, or singing Confederate songs; the persistent misrepresentations, by agitators for selfish purposes, of the character and conduct of the white people; the instigation of the blacks to lawlessness; the question of social and business relations with Northern men; and the negro problem. All these irritants acted with varying effect upon the several classes of the Southern whites — the soldiers, the stay-at-homes, the "fire-eaters," and the women; and upon these people depended the ultimate success or failure of any plan of Reconstruction that might be adopted.

To the North the problem of the negro was the most important one. The blacks suffered dreadfully in the last years of the war and for several years after, in Fed-

eral camps, or around the towns in the "contraband" colonies. They behaved well when freedom came, but great numbers ceased to work for self-support. De Bow in 1866 estimated that their numbers had decreased by one-fourth, too large an estimate, no doubt. The Federal army officers for a while planned the separation of the races and several experiments were made. The treatment of the blacks by former masters, by low whites, and by the Unionists, was a burning question upon which there was much disagreement in the North, though all seemed to agree that the former masters were not to be trusted in matters relating to negroes. Negro suffrage was suggested at the very first, and in respect to it, Northern radical, Black Belt planter, the average Southern white, and the Unionist, each held different views.

There was a general desire at the North to know what the Southern people were thinking and doing, and before the Confederate soldiers had reached their homes every important newspaper in the North had a correspondent travelling in the South. The President sent down several agents, among them General Carl Schurz, a German revolutionist of 1848 who had served in the Federal army; Benjamin C. Truman, a well known newspaper man; Harvey M. Watterson, of Kentucky, a Southern Unionist (whose son Henry, later editor of the *Courier-Journal*, was in the Confederate army); Chief Justice Chase; General U. S. Grant and others. In 1866 the Joint Committee of Congress on Reconstruction took a mass of testimony from witnesses who were in general hostile to the South. Whitelaw Reid and John T. Trowbridge both wrote books on their travels in the South in 1865. Freedmen's Bureau and army officers made voluminous reports.

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Downfall of the Confederacy: Avary, *Dixie after the War*, ch. 2-8; Fleming, *Civil War and Reconstruction in Alabama*, pp. 262, 341; Rhodes, *History of the United States*, vol. v, p. 535; Garner, *Reconstruction in Mississippi*, p. 56; Harrell, *The Brooks and Baxter War*, ch. 1.

The Interregnum: Fleming, p. 262.

The Military Occupation: Avary, ch. 3, 10, 11, 12; Clay, *A Belle of the Fifties*, ch. 22; Clayton, *White and Black under the Old Régime*, p. 144; Fleming, ch. 10; Garner, p. 29; Hollis, *Early Period of Reconstruction in South Carolina*, p. 45; Reynolds, *Reconstruction in South Carolina*, p. 4; Pryor, *Reminiscences of Peace and War*, ch. 25.

Destruction of Property: Avary, ch. 1; Fleming, ch. 5; Garner, p. 122; Hollis, pp. 10, 18; Herbert, *The Solid South*, pp. 29, 113; LeConte, *Autobiography*, ch. 7, 8.

Destitution and Suffering: Avary, ch. 14, 15; Fleming, ch. 5; Garner, ch. 4; Hollis, ch. 7; LeConte, ch. 7, 8; Pryor, p. 372.

Cotton Stealing and Confiscation: Fleming, ch. 6; Garner, p. 127; LeConte, ch. 9; McCulloch, *Men and Measures*, p. 234; Rhodes, vol. v, pp. 85-107, 274, 411.

Cotton Tax: Fleming, ch. 6; Garner, p. 131.

Southern Unionists: Fleming, p. 313; Harrell, ch. 1; Rhodes, vol. v, pp. 447-452.

Treatment of Northern Men in the South: Fleming, p. 318; Garner, p. 149; LeConte, ch. 9.

"The Temper of the South:" Avary, ch. 7-15; Clay, ch. 21, 22; Fleming, ch. 7; Garner, p. 61; Hollis, ch. 1; LeConte, ch. 9; Phelps, *Louisiana*, ch. 14; Pryor, ch. 25, 26; Rhodes, vol. v, p. 551.

Influence of the Confederate Soldiers: Avary, ch. 6, 14; Fleming, ch. 7; Harrell, ch. 1; Lee, *Letters and Recollections of General Lee*, ch. 8, 9, 12.

Confederate Buttons and Uniforms: Avary, ch. 11.

Imprisonment of Confederate Leaders: Avary, ch. 9, 19, 21; Fleming, pp. 310, 391.

Conditions among the Blacks: Avary, ch. 16, 17, 18; Fleming, p. 269; Garner, p. 36; Rhodes, vol. v, p. 561; Smedes, *Southern Planter*, ch. 19, 20; Wallace, *Carpet Bag Rule in Florida*, ch. 1-3; Washington, *Up from Slavery*, pp. 23, 24, 135.

Consideration of Negro Suffrage: Fleming, p. 386.

Social Life after the War: Avary, ch. 11, 13, 15; Fleming, p. 310; LeConte, ch. 9.

1. THE DESTRUCTION OF PROPERTY

The Ruin in City and Country

Robert Somers, *Southern States*, pp. 37, 114. An English traveler's observations in 1870. [1865-1870]

Never had a completer ruin fallen upon any city than fell upon Charleston. . . Her planters were reduced from affluence to poverty — her merchants were scattered to the four winds of heaven — her shopkeepers closed their doors, or contrived to support a precarious existence on contraband of war — her young men went to die on the battlefields or in the military prisons of the North — her women and children, who could, fled to the country. The Federal Government kept Charleston under close blockade, and added to its miseries by occasional bombardments. When this process in five years had reached the last stage of exhaustion, and the military surrender gave practical effect to emancipation, the negroes in the country parts, following up the childlike instinct of former days that Charleston was the El Dorado of the world, flocked into the ruined town, and made its aspect of misery and desolation more complete. . . The houses had not only lost all their bright paint without, but were mostly tenantless within; many fine mansions, long deserted, were fast mouldering into decay and ruin; and the demand for labor and the supply of provisions were at the lowest point. Seldom has there been a more hopeless chaos out of which to construct a new order of things than Charleston presented in those days. Yet the process of amelioration has year by year been steadily going forward. . . Some of the old planters have also survived, and are seen, though diminished in numbers and with saddened countenances, yet with the steady fire of Anglo-Saxon courage in their eyes, attending to affairs like men determined to conquer fortune even in the depths of ruin and in the brink of the grave. . .

The [Tennessee Valley] consists for the most part of plantations in a state of semi-ruin, and plantations of which the ruin is for the present total and complete. . . The trail of war is

visible throughout the valley in burnt up gin-houses, ruined bridges, mills, and factories, of which latter the gable walls only are left standing, and in large tracts of once cultivated land stripped of every vestige of fencing. The roads, long neglected, are in disorder, and having in many places become impassable, new tracks have been made through the woods and fields without much respect to boundaries. Borne down by debts, losses, and accumulating taxes, many who were once the richest among their fellows have disappeared from the scene, and few have yet risen to take their places. But generally the old homesteads and the old families continue to be the centres of reviving industry and cultivation, and many valiant efforts have been made since the war to stay the advancing tide of barrenness and ruin. Fences have been rebuilt round not a few of the plantations, and the negro and the mule been once more set to work in growing corn and cotton.

Destruction in the Valley of Virginia

Report of Joint Committee on Reconstruction, part II, p. 68. Statement of a native of Virginia. [1866]

PEOPLE are thinking about their private business; they want to go to work to repair their losses; they do not wish any more war, domestic or foreign war, if it can be avoided. They are tired of war. . . They are an afflicted people, terribly afflicted; almost all of them have lost sons or brothers; the country is full of widows and orphans and destitute people. I think that on the whole, the people are bearing their misfortunes with cheerfulness and fortitude, and are anxious now just to get the means of restoring their losses, and if politicians would let them alone, I think there would be no trouble whatever. . .

From Harper's Ferry to New Market, which is about eighty miles, . . the country was almost a desert. There were no fences. Speaking of the condition of the valley after General Sheridan retired, I described wheat-fields growing without any enclosure; someone asked me whether the stock would not destroy the wheat. I said "Certainly, if General Sheridan had not taken the precaution of removing all the stock." We could cultivate grain without fences, as we had no cattle, hogs, sheep, or horses, or anything else. The fences were all gone; some

of the orchards were very much injured, but the fruit trees had not been . . destroyed. The barns were all burned; a great many of the private dwellings were burned; chimneys standing without houses, and houses standing without roof, or door, or window; a most desolate state of affairs; bridges all destroyed, roads badly cut up.

The Wear and Tear of War

Whitelaw Reid, *After the War*, p. 224. Reid was later editor of the New York *Tribune*. He is now ambassador to England. He traveled in the South for several months in 1865. He quotes the following description from General Boynton. [1865]

EVERYTHING has been mended, and generally in the rudest style. Window-glass has given way to thin boards, and these are in use in railway coaches and in the cities. Furniture is marred and broken, and none has been replaced for four years. Dishes are cemented in various styles, and half the pitchers have tin handles. A complete set of crockery is never seen, and in very few families is there enough to set a table. . . A set of forks with whole tines is a curiosity. Clocks and watches have nearly all stopped. . . Hair brushes and tooth brushes have all worn out; combs are broken and are not yet replaced; pins, needles, and thread, and a thousand such articles, which seem indispensable to housekeeping, are very scarce. Even in weaving on the looms, corn-cobs have been substituted for spindles. Few have pocket knives. In fact, everything that has heretofore been an article of sale at the South is wanting now. At the tables of those who were once esteemed luxurious providers, you will find neither tea, coffee, sugar, nor spices of any kind. Even candles, in some cases, have been replaced by a cup of grease, in which a piece of cloth is plunged for a wick. The problem which the South had to solve has been, not how to be comfortable during the war, but how to live at all.

The Impoverished South

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 38: Report of General Carl Schurz to President Johnson. Schurz was sent by the President to investigate conditions in the South. [1865]

IT is, indeed, difficult to imagine circumstances more unfavorable for the development of a calm and unprejudiced public

opinion than those under which the southern people are at present laboring. The war has not only defeated their political aspirations, but it has broken up their whole social organization. When the rebellion was put down they found themselves not only conquered in a political and military sense, but economically ruined. The planters, who represented the wealth of the southern country, are partly laboring under the severest embarrassments, partly reduced to absolute poverty. Many who are stripped of all available means, and have nothing but their land, cross their arms in gloomy despondency, incapable of rising to a manly resolution. Others, who still possess means, are at a loss how to use them, as their old way of doing things is, by the abolition of slavery, rendered impracticable. . . Others are still trying to go on in the old way, and that old way is in fact the only one they understand, and in which they have any confidence. Only a minority is trying to adopt the new order of things. A large number of the plantations . . is under heavy mortgages, and the owners know that, unless they retrieve their fortunes in a comparatively short space of time, their property will pass out of their hands. . . The nervous anxiety which such a state of things produces extends also to those classes of society which, although not composed of planters, were always in business connection with the planting interest, and there was hardly a branch of commerce or industry in the south which was not directly or indirectly so connected. Besides, the southern soldiers, when returning from the war, did not, like the northern soldiers, find a prosperous community which merely waited for their arrival to give them remunerative employment. They found, many of them, their homesteads destroyed, their farms devastated, their families in distress; and those that were less unfortunate found, at all events, an impoverished and exhausted community which had but little to offer them. Thus a great many have been thrown upon the world to shift as best they can. They must do something honest or dishonest, and must do it soon, to make a living, and their prospects are, at present, not very bright.

"The Crown of Poverty"

Susan Dabney Smedes, *Memorials of a Southern Planter*, p. 231. Copyright, 1887. This extract is used by permission of James Pott & Co. Mrs. Smedes was writing of her father, Col. Thomas L. Dabney, a Mississippi planter. [1865-1870]

IT was now the autumn of 1866. One night he walked upstairs to the room where his children were sitting with a paper in his hand. "My children," he said, "I am a ruined man. The sheriff is down-stairs. He has served this writ on me. It is for a security debt. I do not even know how many more such papers have my name on them." His face was white as he said these words. He was sixty-eight years of age, with a large and helpless family on his hands, and the country in such a condition that young men scarcely knew how to make a livelihood.

The sheriff came with more writs. Thomas roused himself to meet them all. He determined to pay every dollar. But to do this he must have time. The sale of everything that he owned would not pay all these claims. . .

A gentleman to whom he owed personally several thousand dollars courteously forebore to send in his claim. Thomas was determined that he should not on this account fail to get his money, and wrote, urging him to bring a friendly suit, that, if the worst came, he would at least get his proportion. Thus urged, the friendly suit was brought, the man deprecating the proceeding. . . .

And now the judgments . . went against him one by one. On the 27th November, 1866, the Burleigh plantation was put up at auction and sold, but the privilege of buying it in a certain time reserved to Thomas. At this time incendiary fires were common. There was not much law in the land. We heard of the gin-houses and cotton-houses that were burned in all directions. One day as Thomas came back from a business journey the smouldering ruins of his gin-house met his eye. . . All the cotton that he owned was consumed in it. He had not a dollar. He had to borrow the money to buy a postage stamp, not only during this year, but during many years to come. . . .

Many honorable men in the South were taking the benefit of the bankrupt law. Thomas's relations and friends urged him to take the law. It was madness, they said, for a man of his age, in the condition the country was then in, to talk of settling the immense debts that were against him. He refused with scorn to listen to such proposals. But his heart was well-nigh broken. He called his children around him, as he lay in bed, not eating and scarcely sleeping.

"My children," he said, "I shall have nothing to leave you but a fair name. But you may depend that I shall leave you that. I shall, if I live, pay every dollar that I owe. If I die, I leave these debts to you to discharge. Do not let my name be dishonored." . .

But he soon aroused himself from his depression and set about arranging to raise the money needed to buy in the plantation. It could only be done by giving up all the money brought in by the cotton crop for many years. This meant rigid self denial for himself and his children. He could not bear the thought of seeing his daughters deprived of comforts. He was ready to stand unflinchingly any fate that might be in store for him. . . He determined to spare his daughters all such labor as he could perform. General Sherman had said that he would like to bring every Southern woman to the wash-tub. "He shall never bring my daughters to the wash-tub," Thomas Dabney said. "I will do the washing myself." And he did it for two years. He was in his seventieth year when he began to do it.

This may give some idea of the labors, the privations, the hardships, of those terrible years. The most intimate friends of Thomas, nay, his own children, who were not in the daily life at Burleigh, have never known the unprecedented self-denial, carried to the extent of acutest bodily sufferings, which he practiced during this time. A curtain must be drawn over the life of my lion-hearted father!

Oftentimes he was so exhausted when he came in to dinner that he could not eat for a while. He had his old bright way of making everyone take an interest in his pursuits, — sympathy was as necessary and sweet to him as to a child, — and he showed with pride what he had done by his personal labor in gardening and in washing. He placed the clothes on the line as carefully as if they were meant to hang there always, and they must be admired, too! He said, and truly, that he had never seen snowier ones. . . At the end of a hard day's work he would say, sometimes, "General Sherman has not brought my daughters to the wash-tub." . . His hands were much bent with age and gout. No glove could be drawn over them. They had been so soft that a bridle rein, unless he had his gloves on, chafed them unpleasantly. He expressed thankfulness that the bent fingers and palms did not interfere with his holding either his hoe-handle or his pen. . . He tried hard to learn to plough, but could not do it. It was a real disappointment. He tried to learn to cut wood, but complained that he could not strike twice in the same spot. It was with great labor that he got a stick cut in two. His failure in this filled him with a dogged determination to succeed, and he persisted in cutting wood in the most painful manner, often till he was exhausted. Some one told him of a hand-saw for sawing wood, and he was delighted and felt independent when he got one. He enjoyed it like a new toy, and it was so much better in his hands than the axe. He sawed wood by the hour, in the cold and in the heat. . .

The Ruin of the Slaveholders

J. S. Pike, *The Prostrate State*, p. 117. Pike was a native of Maine, traveling in South Carolina in 1871. From 1861 to 1866 he was minister to Belgium. In 1871 he was associate editor of the New York *Tribune*. [1866+]

EVERYTHING went into Confederate securities: everything to eat and everything to wear was consumed, and when the war suddenly ended there was nothing left but absolute poverty and nakedness. Famine followed, and suffering beyond computation, the story of which has never been told. Rich planters' families subsisted on corn-bread when they could get it, but often they could not, and then they resorted to a coarse cattle

fodder known as "cow-peas." It is reported of the poet Timrod, who contributed his fiery lyrics in aid of the rebellion — all that he had to give — that he and his were saved from actual starvation, when they were at their last gasp, just previous to his death. Others fared not so well.

There were numerous large slave-holders and property-owners in and about Columbia who went down in the general ruin. Some were immensely wealthy; there were several families owning 500 and 1000 slaves apiece. Many were proprietors of plantations on the banks of the Mississippi. These plantations were more or less mortgaged. When slavery went, the mortgages consumed the rest; and men enjoying an income of $100,000 a year on the opening of the war were stripped of their last cent at its close. An elderly gentleman of nearly eighty years, formerly a rich man, and president of a bank of about $1,000,000 capital, was able by great exertion to save his dwelling from conflagration in Columbia. It was all he preserved from the wreck of his fortunes. Happily he was a lover of flowers, and had a large greenhouse in his gardens. In his stripped condition he resorted to it for support; and today he lives by personally growing flowers for sale, which he does with a cheerful assiduity which gilds his misfortunes, and lends even a pleasing glow to the evening of his life. Old Wade Hampton, of Revolutionary memory, who won his spurs at the battle of Eutaw Springs, and was an aid-de-camp of General Washington, was a resident of Columbia, and owned vast estates. He and his family were the grandees of the county for all these subsequent generations. They numbered their slaves by the thousand when the war began, and had large plantations in other States. The family is now broken and scattered. The great old family mansion and extensive grounds filled with rare exotics, the abode of luxurious hospitality for seventy years, has, since the war, been haunted by ghosts, and now, dilapidated and falling into decay, passes into the hands of strangers. In the vicinity lived a gentleman whose income, when the war broke out, was rated at $150,000 a year. He was not only a victim to the general ruin, but

peculiar circumstances added to his misfortunes. Not a vestige of his whole vast property of millions remains today. Not far distant were the estates of a large proprietor and a well known family, rich and distinguished for generations. The slaves are gone. The family is gone. A single scion of the house remains, and he peddles tea by the pound and molasses by the quart, on a corner of the old homestead, to the former slaves of the family, and thereby earns his livelihood. . .

But the poor people were stripped as well as the rich. Though they had but little, yet that little was their all. And to lose it was to lose all. And to this was added a grievous disappointment. . . They were hoarding their imaginary money, feeling that they were sure to come out rich in the end. Great was their dismay and their astonishment when they found they had leaned on a broken reed, and their visions of sudden wealth had vanished in an instant.

The Wreck of the Railways

House Report no. 34, 39 Cong., 2 Sess., pp. 714, 821, 832, 866, 1026, 1036. The following extracts are from the reports of the principal Southern railways in 1865. [1865]

FROM Pocahontas to Decatur, [Alabama] one-hundred and fourteen miles, almost entirely destroyed, except the road-bed and iron rails and they in very bad condition — every bridge and trestle destroyed, cross-ties rotten, buildings burned, water-tanks gone, ditches filled up, and track grown up in weeds and bushes; not a saw-mill near the line; the labor system of the country gone. About forty miles of the track was burned, cross-ties entirely destroyed, and rails bent and twisted in such manner as to require great labor to straighten, and a large portion of them requiring renewal. . .

That portion of the road [in Mississippi] not having received any attention since 1862, it became enveloped with briers, bushes, and grass, the undisturbed growth of three years, thus causing . . the decay of the pine timber used in its construction. There was scarcely a single bridge on that sec-

tion that was not wholly or in part, destroyed by fire, or rendered unfit for use by decay. Of the cross-ties on this section, fully three fourths have to be replaced to render the road safe for the transit of cars and locomotives. . .

Of the splendidly equipped road . . of the 49 locomotives, 37 passenger cars, (many of which had never been used,) and 550 freight, baggage, and gravel cars, there remained fit for use, though in a damaged condition, between Jackson and Canton, 1 locomotive, 2 second class passenger cars, 1 first class passenger car, 1 baggage car, 1 provision car, 2 stock and 2 flat cars.

On the section between Jackson and Brookhaven, there were in use 2 locomotives, damaged, having been partly burned; 4 box-cars, one of which was used for passengers, and 9 flat cars. All the other locomotives have been burned or damaged by time and exposure, and rendered unfit for service. . . Of all the depot buildings and platforms attached, woodsheds, and water stations and division houses, which were in complete repair in 1862, there remained only [three] buildings . . the remainder having all, from time to time, been destroyed by the armed forces in their vicinity.

In Selma [Alabama], the depot, shops, with the tools and machinery, foundry, engine-house, and store-house were in ruins. The track was damaged, and covered with the wrecks of burnt locomotives and cars which had been left in a disabled condition. . . All the truss-bridges and station-houses, and several of the water-tanks south of Shelby Springs, were burnt. About one mile of the track was rendered unserviceable by the burning of the cross-ties and the bending of the iron. North of Talladega the . . bridges and all the station-houses were destroyed by General Croxton's command. The rolling stock which had been saved had been cut off from the road by the destruction of two bridges on the Selma and Meridian road, and consequently could not be made available in the work of reconstruction. The laboring force . . was in great part scattered and demoralized. Throughout the country disorganization, and a general scarcity of provisions, and of all appliances

and means of carrying on work, prevailed. There was no money in the treasury and no means of securing it.

I found the road [in Tennessee and Georgia] in bad condition; the track force had been over two weeks at work repairing; still it was with difficulty I passed over it with the train. The iron had been torn up at the principal road-crossings; stock-gaps were out of order, and fences built across the track; ditches filled up; . . in many of the cuts the iron was covered with loose rock and dirt; the embankments had settled and washed; culverts filled up; track out of line . . new cross-ties wanted to replace those too rotten to hold a spike. Trestles had to be overhauled. . . Water-stations out of order, having been dry for two years. Turning-table at Trenton full of mud; had to be rewalled. The depots had to be weather-boarded. The iron alone remained unhurt, unchanged by the lapse of time and the dreadful effects of civil war. . .

At Columbia [South Carolina] all the shops, depots, and buildings of every description, most of the valuable tools, many new and of the most approved makes, with all the appliances of as complete a shop, just finished, as, for its design, perhaps, the southern country could exhibit — all these, together with a very large and most valuable collection of material, obtained only with great difficulty and at great expense, were utterly destroyed. On the line of road . . with rare exceptions, the entire wooden structures, cross-ties, culverts, station-houses, water-tanks experienced a like fate; and the rails burnt, twisted, and bent into shapes utterly baffling all efforts at restoration.

2. DESTITUTION AND WANT AMONG THE WHITES

Suffering in the White Counties

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess., pp. 68, 73, 77. Accounts of Freedmen's Bureau officials in Alabama. [1865]

TWO months ago women and children and broken down men came thirty and forty miles . . to beg a little food. . .

Much destitution also exists among the families of the late rebels, for the soldiery, . . consumed their substance when the means of the Union people were all exhausted. Like Actaeon, they were eaten up by their own dogs. The general destitution has rendered many kindly disposed people unable to do anything for the negroes who were formerly their slaves, and who might be supposed to have some claims upon them for temporary assistance on that account, and there is much suffering among the aged and infirm, the sick and the helpless, of this class of people. . . It is a common, an every-day sight in Randolph county, that of women and children, most of whom were formerly in good circumstances, begging for bread from door to door. Meat of any kind has been a stranger to many of their mouths for months. The drought cut off what little crops they hoped to save, and they must have immediate help or perish. . .

By far the greater suffering exists among the whites. Their scanty supplies have been exhausted, and now they look to government alone for support. Some are without homes of any description. This seems strange and almost unaccountable. Yet, on one road leading to Talladega I visited four families, within fifteen minutes' ride of town, who were living in the woods, with no shelter but pine boughs, and this in mid-winter. Captain Dean, who accompanied me, assured me that upon the other roads leading into town were other families similarly situated. These people have no homes. They were widows, with large families of small children. Other families, as their provisions fail, will wander in for supplies, and I am fearful

the result will be a camp of widows and orphans. If possible, it should be prevented; and yet I saw about thirty persons for whom shelter must be provided, or death will speedily follow their present exposure and suffering. . .

On the Confederate Frontier

Annual Cyclopedia, 1865, p. 29. From the letters of Gov. Isaac Murphy of Arkansas. [December 9, 1865]

THERE are thousands suffering in Arkansas for want of food and raiment, and who, unless speedily relieved, will, in many instances, during the winter, die from the effects of hunger and cold. . .

The desolations of war in our state are beyond description. Suffering and poverty are, perhaps, more general in this than the other rebel States, from the fact that during the entire war an internal and bloody strife existed between the Union element and their rebel neighbors. . . Besides the utter desolation that marked the track of war and battle, guerrilla bands and scouting parties have pillaged almost every neighborhood north of the Arkansas River, also in the country south of the river, lying near the Indian boundary. It would be safe to say that two-thirds of the counties in the State are in destitute circumstances, and many will suffer for food and clothing this winter and spring, unless relieved by the noble kindness of the people of the Northern States.

In Sherman's Track

Annual Cyclopedia, 1865, p. 392. By a Northern newspaper correspondent. [1865]

PASSING Marietta [Georgia], where the usual marks of destruction appeared, I was interested by the appearance of a crowd gathered about one of the few remaining business buildings. I began to make inquiries, . . when they thronged about me and began the revelation of a degree of destitution that would draw pity from a stone.

Thomas H. Moore, of respectable and even cultured address, introduced himself as the agent for the county, appointed by the State, for the distribution of supplies voted by the rebel Legislature to the people of North Georgia, after Sherman's passage. He said all these supplies had been long ago issued. He had himself, since, walked to Atlanta (having no horse), to procure more. A few hundred pounds had been furnished, which he was now distributing, but it amounted to a mere pittance, and he was obliged to reserve it for those who are already on the verge of starvation. Women . . hourly, come in from a distance of ten to fifteen miles afoot, leaving homes entirely destitute, in order to get a few mouthfuls to save the lives of their helpless children.

After him came slaveholders, the wealthiest in the county — one with sixty slaves, who complained that what had once made them the richest now made them the poorest. They had nothing to feed these people, without whose aid the crops could not be secured. Mr.—— had told his negroes that if they would remain with him, now that they were free, he would compensate them, and share with them his lands, and they were anxious to do so; but . . the distributing officers refused to furnish the slaveholders, who, unless they could get aid, would, together with their negroes, starve. They all told me that no man in the country had more than two bushels of corn left. . .

The commandant has mentioned a case that occurred yesterday. A poor woman came all the way into town on foot, from a distance of twenty miles, leaving at home a family of children who had had nothing to eat for twenty-four hours. Yet the most that could be done in answer to her appeal was to request the commissary, if possible, to supply her. . . There are 35,000 men, women, and children in the counties of Georgia, immediately surrounding Atlanta, who are dependent upon the United States Government for support and preservation from death by hunger. In the counties of North Georgia there must be at least as many more, for at every post and headquarters of the United States forces hundreds of applicants are applying daily for relief. To such an extent does this state of affairs prevail that it seriously incommodes the troops; and though every effort has been made to relieve the suffering of the people yet vast destitution prevails among them.

Bad Crops in 1865

Annual Cyclopedia, 1865, p. 788. Description by a traveller in Texas. Over the entire South for several years crops were uniformly bad. [1865]

THE drought had nearly ruined the corn crops, and it is estimated that only one-half a crop will be made this season. The same will prove true of the potato crop. Cotton looks well, and we have been informed by all the citizens that they have never before seen such a fine and heavy yield as this season. We hear loud complaints everywhere of the scarcity of hands to pick and save it. And we saw acres of the finest cotton that ever grew dropping out of the bolls, and wasting for the want of hands to save it. The planters made contracts with their former slaves to remain with them and save the crops, but they proved unfaithful and deserted at the first opportunity. Thousands of bales of splendid cotton will be lost in Washington County by this cause, and the neighboring counties are no better off.

Government Aid to the Destitute

Annual Cyclopedia, 1865, p. 393. A Southern reporter's account. [1865]

To get an idea of the immensity of the feeding establishments in this city [Atlanta] I will give you some items. During the month of June, there were issued to about fifteen thousand recipients: ninety-five thousand pounds of breadstuff, and the same amount of meat, together with the proper proportion of salt, coffee, sugar, soap, candles, and other articles. Since the 1st of July, the increase of recipients has been very large. A large number of refugees who are returning to their homes on Government transportation, also receive their subsistence here; and this addition has assisted very much to increase the amount

of issue. . . There are employed in the issuing house about ten clerks, who are kept on the run all day, and often at night: about twenty negroes, who assuredly do not find the work of this commissary department as easy a business as working in a cornfield, especially when they are caught stealing — a piece of waggery which you know the "institution" is very fond of perpetrating. A large number of Confederate soldiers, lately discharged from Northern prisons, continue to arrive here daily, and they, too, are furnished with rations. Taking as an entire affair the business of this commissary post, it is the biggest thing I have met with in a long time. . .

I cannot help but remark that it must be a matter of gratitude as well as surprise, for our people to see a Government which was lately fighting us with fire, and sword, and shell, now generously feeding our poor and distressed. In the immense crowds which throng the distributing house I notice the mothers and fathers, and widows, and orphans of our soldiers, who fought nobly, too often to the death. . . Again, the Confederate soldier, with one leg or one arm, the crippled, maimed, and broken, and the worn and destitute men, who fought bravely their enemies then, their benefactors now, have their sacks filled and are fed.

There is much in this that takes away the bitter sting and sorrow of the past. There is more than humanity in it, on the part of the provider; and the generous conduct will go farther to heal the wounds of the nation, than all the diplomacy and political policy of tricksters and office-seekers during centuries to come.

3. CONFISCATION FRAUDS

Collecting Confederate Cotton and Taxes

Ku Klux Report, vol. 1, p. 445. Letter of F. S. Lyon, formerly Confederate treasury official and member of Confederate Congress, to F. P. Blair of the Ku Klux Committee of Congress in 1871. [1865]

AFTER the armies of Generals Lee, Johnston, and Taylor had surrendered and disbanded, General Canby [commanding in the Southwest] issued a military order requiring all persons who had sold cotton to the Confederate States to surrender the same to the United States authorities, under pain of having their property confiscated to make good any failure to deliver. From this commenced a struggle for the possession of cotton which it would be difficult to describe. . . The country was suddenly filled with United States Treasury agents, or persons claiming to be such, some with and others without authority to take possession of cotton.

United States wagons, guarded by United States soldiers, roamed over the country in the day-time, and sometimes in the night-time, protecting Treasury agents, and sometimes persons not Treasury agents, in seizing cotton. Seizures were sometimes made under the pretense of enforcing General Canby's order of confiscation, and sometimes cotton was seized which had never been bargained by the semblance of any legal authority to the Confederate States. When such was the fact and the most conclusive proof was made to the chief cotton agent at Mobile, that officer would refuse to admit or reject the claim, so that his decision might be reversed at Washington, and the consequence was that the owners of the cotton had to submit to a compromise by giving up part of their cotton, and neither that part nor its proceeds, in my judgment, ever found a place in the books of the Treasury Department. It was seen from the character and conduct of the agents and pretended agents engaged in the business that *plunder*, and not the increase of funds in the public Treasury, was the object, and a scramble for the possession of cotton ensued in which others

than cotton agents took part. The consequence was that the cotton agents, or pretended agents, backed by the military forces, obtained most of the plunder, but how much of what was obtained went into the Treasury I am not informed, but from circumstances suppose hardly one-tenth. The Treasury Department . . made an order allowing the holders of cotton bargained to the Confederate States one-fourth of it for safely keeping it during the war and delivering it, but I have reason to believe . . that the fact of this order was fraudulently withheld by the Treasury agent at Mobile, and that instead of complying with it he gave his assistants the one-fourth of all the cotton they obtained as compensation for their services. . . Quite a young man, sent to this town [Demopolis, Alabama] as a cotton agent, who was without experience in business and of but little business capacity, received for about one month's services four hundred bales of cotton, worth at the time at least $80,000.

Frequent changes were made in Treasury agents. As fast as one would fill his pockets another would make his appearance equally hungry for money.

The same cotton was seized as often as two or three times. One agent would seize it and discharge it on proof; his successor would reseize it, and subject the owner to a second trial, and sometimes a third agent would come in and seize it again.

There was at the close of the war a very large amount of cotton in the country, some of which had been bargained to the Confederate States, and a good deal had not. In the scramble for it, the rights of very few were respected; no distinction was made between those who were regarded as rebels and those who were known to be Union men. Two old citizens of this county, Mr. John Collins and Gaius Whitfield, were avowed Union men and opposed to the war, from the beginning to the end of the controversy, and no favor was shown them; their cotton was seized and taken from them. . .

At the close of the war the people were left in an impoverished condition. Their supplies were pretty well exhausted; they had nothing left but . . their lands, some stock, and the

remnant of cotton saved from the wreck of their fortunes. This cotton was subject to a discriminating tax of three cents [1] per pound, when other productions of the soil were elsewhere exempted, and the collection of the tax enforced to the last pound.

Another outrage upon the rights of the people occurred here since the war. . . The congress of the Confederate States, while that power existed, had imposed a tax-in-kind upon all provisions raised by planters and farmers — one tenth of all grain, meat, etc. After the war the collection of this tax in kind was enforced by the United States military orders in this part of the country. The agent on my plantation was notified by an officer that the tax-in-kind due from me to the extinct Confederate States amounted to over one thousand bushels of corn, some two barrels of syrup, and perhaps other small articles. These articles were demanded and paid. My nearest neighbor informed me that Government wagons went to his corn-crib and took what they regarded as his tax-in-kind, without even inviting him to see his corn measured. I heard of many other cases where this tax was demanded and collected, and believe the amount collected . . was quite large.

While these things were going on, I represented what I considered an outrage to Governor Parsons, then the provisional governor of the State, and urged him to communicate the facts to the then commanding general at Montgomery. Governor Parsons informed me that he had complied with my request; that the general stated the collections were without his orders; that he would immediately order such collections to cease, and require proper vouchers to be given to those whose property had been taken; but such an order from the general was never made public, no vouchers were given within my knowledge, and no steps taken to arrest the enforcement of a confederate law which had died with the confederacy.

1. Internal revenue tax.

Theft and Confiscation of Cotton

Johnson MSS. (Library of Congress). Report of Sherrard Clemens from Shreveport, Louisiana. Clemens, who lived in Wheeling, West Virginia, was an agent of President Johnson. [1865]

THE state of things resulting from the acts of various local agents, has taken me utterly by surprise: and is I am bold to say, rapidly bringing the Government itself into disrepute. . .

The Agents at Memphis, Little Rock, Vicksburg and Natchez, have delegated authority before and since the 15th day of June last, to Collect Confederate Cotton, to sub-Agents, on various terms of one half, one third, and one fourth of the proceeds. The local Agent divides these proceeds with the sub-Agents, or fails to make any return to the Treasury Department at all, putting in many instances the Cotton in the hands of the factors who share the unlawful plunder.

The regular outlet for this country and Arkansas is New Orleans, but as the case now is presented, there is conflicting jurisdiction by Sub Agents, from Little Rock, Memphis, Vicksburg, Natchez, and New Orleans. The consequence is they go to remote points, call upon some post Commander for an escort of Cavalry, and seize all Cotton at accessible points, under the pretext of securing Cotton and thus defraud honest Citizens. The whole Country is therefore in a state of alarm, resulting in a feeling fatal to the organization of any civil policy at all. Many of these Sub Agents I know to be disgraced or dismissed Officers of the Army, in consequence of peculations and frauds, during the War, in this nefarious business. They and the local agents I believe have presumed upon the fact that their designs can be consummated before justice can reach them. . .

It will be far better to abolish the whole system, and leave to individual capital, Enterprise and Energy, the whole question, abandoning all hope of securing a tithe of the Vast amount of Cotton which belongs to the government. If it is to be lost at all, it better be in the hands of Capitalists who will pay for it, than to be stolen by sworn officers of the Government, who

in their cupidity disgrace their profession, and show they are capable of the basest turpitude.

In confirmation, of what I say, I enclose [nine] papers. . . Mr. Little, the Agent at Vicksburg professes to be the brother in law, of the Secretary of the Treasury. If he is, I am humiliated by the fact, as his deputies here are of the most mercenary description, among whom is Gen. Hovey, of Illinois, whose history in Cotton, is now part of the public records, and who retired from the army in disgrace. . . Under the present state of things, I say in pain, that the Federal government is in utter disrepute. Under all the circumstances, perhaps the most prompt measure, will be for Major Gen. Canby, whom I know to be an honest gentleman, to assume military control and drive out all Treasury Agents, in Louisiana and Arkansas, except Mr. Jewell, who is here, and compel him to report to Mr. Flanders in New Orleans. Both of these gentlemen I believe to be beyond a bribe.

"The Government Loses in Money and Character"

Johnson MSS. H. M. Watterson to the President, from Mobile, January 29, 1866. Watterson, the father of Henry Watterson, the present editor of the *Courier-Journal*, was a Southern Unionist. For several months he traveled in the South as the President's agent, investigating the cotton frauds. [1865]

So many parties, official and unofficial, have been engaged in stealing cotton, I fear we can do but little more, in our hurried trip than to get on their tracks. It is clear to my mind that the Government owes it to its own character to ferret out some of the principal thieves and pursue them to conviction and punishment. A single word on another point: The time has arrived, as I think, when this Cotton business should be wound up and the entire lot of cotton agents withdrawn from the South. The subordinates under the principal agents are roving over the country and harassing the people without any corresponding benefit to the national treasury. In many instances the Government loses in money and loses in character by their operations. Upon all these matters Mr. Chandler and I will either report to you verbally or in writing.

Methods of the Treasury Agents

Report of Joint Committee on Reconstruction, part iv, p. 157. Statement of T. J. Mackay, U. S. provost marshal in Louisiana. [1866]

AFTER the arrival of the officials of the Treasury Department in western Louisiana I heard frequent complaints made of their exactions. At first I did not credit those complaints, as the office is essentially an odious one. Upon further and diligent inquiry I ascertained that it was the common practice of the agents of the Treasury Department to seize cotton on the pretext that it belonged to the late Confederate States; to refuse to give the party who owned the cotton a paper designating the weights of the bales, and consequently return to the claimant the same number of bales taken from him, after abstracting from them the third or half of the cotton. In other cases the Treasury agents would refuse to respect the permits given by their predecessors to ship cotton, but exact bribes before they would permit it to be shipped. In other cases they would refuse to give any permits whatever to ship cotton, but employed certain parties to buy it at a reduced price. For instance on the third of April last [1866] Mrs. Boyce, of Red River county, Texas, sold her four hundred bales of cotton for seventy-five dollars a bale — cotton she had raised since the surrender. She sold it at that price because it had been seized by a Treasury agent, and she could not sell it otherwise . . two hundred dollars a bale was the market price. In another case, within the past four weeks, in Natchitoches Parish, Louisiana, a Treasury agent has been running a large steamer up and down the Red river, and refusing to give parties permits to ship cotton upon any other steamer than that one, although the law requires the agent to remain in his office and give permits to all parties where there is no evidence or ground of suspicion against the cotton. By this course he forces parties to ship their cotton on that steamer at a charge of five and six dollars a bale, while other steamers charge but three or four dollars. These acts are performed for the private advantage of the agent, and to the injury of the government, because the

citizen refers the oppressive act to the government, and not to the unfaithful agent. And it becomes the pretext for turbulence and disorder.

"Mere Rogues and Fortune Hunters"

J. T. Trowbridge, *The South*, p. 567. Trowbridge, the well known New England author, visited in 1865 all the Southern States except Texas. [1865]

MUCH ill-feeling had been kept alive by the United States Treasury agents, searching the country for Confederate cotton and branded mules and horses. Many of these agents, . . were mere rogues and fortune-hunters. They would propose to seize a man's property in the name of the United States, but abandon the claim on the payment of heavy bribes, which of course went into their own pockets. Sometimes, having seized "C. S. A." cotton, they would have the marks on the bales changed, get some man to claim it, and divide with him the profits. Such practices had a pernicious effect, engendering a contempt for the government, and a murderous ill-will which too commonly vented itself upon soldiers and negroes.

To the Victors the Spoils

Whitelaw Reid, *After the War*, pp. 30, 46, 48. [1865]

THE practice of regarding everything left in the country as the legitimate prize to the first officer who discovers it, has led, in some cases, to performances little creditable to the national uniform. What shall be thought of the officer who, finding a fine law library, straightway packed it up and sent it to his office in the North? Or what shall be said of the taste of that other officer who, finding in an old country residence a series of family portraits, imagined that they would form very pretty parlor ornaments anywhere, and sent the entire set, embracing the ancestors of the haughty old South Carolinian for generations back, to look down from the walls of his Yankee residence? . .

Every Northern man in Wilmington lives in the very best style the place affords, no matter how slender his visible resources. I was the guest of a civil officer whose salary cannot

be over two thousand dollars. His home was a spacious three-story double structure, that would have done no discredit to Fifth Avenue. You approach it through a profusion of the rarest shrubbery; it was in the most aristocratic quarter of the city, was elegantly furnished, and filled with servants — all on two thousand dollars a year, less the Government tax. But this is modest and moderate. The officer at least made the one house serve all his purposes. Another — a colonel on duty here — is less easily satisfied. He has no family, but he finds one of the largest and best furnished double houses in the town only sufficient for his bachelor wants, as a private residence. Another house, equally spacious and eligible, is required for the use of his office! And, in general, our people seem to go upon the theory that, having conquered the country, they are entitled to the best it has, and in duty bound to use as much of it as possible. . . The hotel keeper, for example, has returned. He finds here a yankee, who, seeing the house deserted when we occupied the city, and being told by the officials that they wanted a hotel, determined to keep it. The yankee has paid no rent; he has been at no expense, and he has made a sum reckoned at over a hundred thousand dollars, by keeping his hotel and a little cotton planting which he was able to combine with it. Naturally he is in no haste to give up his rent-free establishment, and the Rebel owner has the satisfaction of contemplating the Yankee in possession, and calculating the profits which might have gone into his own pockets but for the frantic determination, four years ago, never to submit to the tyrannical rule of the Illinois gorilla. Returning merchants find sutlers behind their counters, reckoning up gains such as the old business men of New Bern never dreamed of; all branches of trade are in the hands of Northern speculators, who followed the army; half the residences are filled with army officers, or occupied by Government civil officials, or used for negro schools, or rented out as "abandoned property."

"Peculation, Robbing, Intrigue, Plunder"

House Ex. Doc. no. 97, 39 Cong., 2 Sess., p. 5. Report of Hugh McCulloch, Secretary of the Treasury. [1865]

CONTRACTORS, anxious for gain, were sometimes guilty of bad faith and peculation, and frequently took possession of cotton and delivered it under contracts as captured or abandoned, when in fact it was not such, and they had no right to touch it under their contracts or under the acts of Congress. Residents and others in the districts where these peculations were going on took advantage of the unsettled condition of the country, and representing themselves as agents of this department, went about robbing under such pretended authority, and thus added to the difficulties of the situation by causing unjust opprobrium and suspicion to rest upon officers engaged in the faithful discharge of their duties. Agents . . . frequently received or collected property, and sent it forward, which the law did not authorize them to take. . . Lawless men, singly and in organized bands, engaged in general plunder; every species of intrigue and peculation and theft were resorted to.

4. THE COTTON TAX

The Injustice of the Tax

Senate Misc. Doc. no. 109, 39 Cong., 1 Sess. The following Memorial of the New York Chamber of Commerce to Congress summarizes the Southern objections to the cotton tax. [May 15, 1866]

IF measures are to be adopted affecting the industries of a large section and of a numerous people, these measures should be characterized by a spirit of generosity, which will take the sting from the declaration that "taxation without representation is tyranny." It should appear in after years, when prosperity in the south takes the place of present adversity, and fraternal relations are again restored in and out of Congress, that in the days of her weakness the north and west did not take undue advantage of the south, discriminating against her industry, and imposing burdens too heavy to be borne; but, on the contrary, that a spirit of magnanimity ruled in the councils of the nation, disposing our legislators to deal generously with the people of the south, thus to aid in restoring them from a state of weakness to a condition of strength. . .

At this very time, when [the Southern farmer] is struggling for existence, a tax of five cents per pound is proposed, which being practically an *export* duty, is equivalent to charging him with that amount for the purpose of paying it over to the cultivators of India, Egypt, and Brazil. And still it is expected he is to compete successfully with those growers.

There is in these and other modifications suggested in the existing law a want of impartiality which, in the judgment of the committee, is calculated to provoke hostility at the south, and to excite in all honest minds at the north the hope that such a purpose will not prevail. It is not as though the people of the south were prepared to enter into competition with the manufacturers of the north for the benefit to be conferred through the payment of the proposed bounty on cotton goods exported. They are not and cannot be for years to come; and the imposition of a discriminating tax which tends to make the

rich of the north richer and the poor of the south poorer operates as a discouragement to those who, with heavy hearts but honest endeavor, strive to regain their lost fortunes.

The Committee feel that it would be wiser and better to lift up those who are now cast down, and by just and generous legislation to inspire the southern people with hope of better days rather than by an opposite course to prolong the era of political and commercial distrust.

A Petition for Relief

Acts of Alabama, 1872, p. 465. Resolutions passed by a Reconstructionist legislature, [1865-1868]

THE tax upon cotton levied and collected by the government of the United States during the years 1865, 1866 and 1867 was in our judgment most unjust and oppressive to the people of the cotton growing States, in that it was a direct tax upon industry, and imposed upon them at a time when they were prostrated and impoverished by war and the attendant consequences; . . we believe the refunding of this tax, an unequal tax, levied as it was on the industry of a majority of the States, to be only a matter of even-handed but tardy justice to those with whom the people of this State are identified, as well by ties of blood as common interest.

5. THE SOUTHERN UNIONIST PROBLEM

Sentiments of a Unionist

Johnson MSS. M.— Le B— to Andrew Johnson. [October 1, 1865]

HAVING watched with the most intense interest, your course in regard to two of Satan's ambassadors to earth, Robert E. Lee and Jefferson Davis, and being very much dissatisfied with the disposition made of the former, *I* have concluded to tell *you* what to *do*. Aren't you ashamed to give Lee the privilege of being a President of a college? Satan wouldn't have him to open the door for fresh arrivals, and *you* have pardoned him, and allowed him to take a position of the greatest responsibility. I hope you may have cause to repent that act in *sackcloth and ashes*. May the spirits of the dead heroes of America haunt you ever as a punishment for the cowardly neglect of duty. If you do not have Jeff. Davis hanged, may the anathemas of a Nation rest upon you! You remember how you spoke to that *traitor* in the Senate. *Dare* you fulfill that threat? The eyes of the world are upon you—it is yours to write your name upon the hearts of the million or cover it with the deepest infamy. Dare to do *right* and avoid being hissed through the world as a man *destitute* of *moral courage*. I have said what I desired to say. If you do not do your duty you will be tormented through a never ending eternity by lost souls of your Southern friends.

Proscription of Unionists in Tennessee

Report of Joint Committee on Reconstruction, part 1, pp. 92, 109. Unionist statements. [1865]

THE predominant feeling of those lately in rebellion is that of deep-seated hatred, amounting in many cases to a spirit of revenge towards the white Unionists of the State, and a haughty contempt for the negro, whom they cannot treat as a freeman. The hatred for the white loyalists is intensified by the accusation that he deserted the South in her extremity, and is, there-

fore, a traitor, and by the setting up a government of the minority. The spirit of revenge is called forth by the attempt to disfranchise them, and by the retaliatory acts of the returned soldiers for wrongs done them during the war. . .

The tourist would not be apt to detect the true state of the southern temper. Even the resident observer has to look beneath the surface of insincere protestations of loyalty. True, the traveller or visitor might observe a large number of daily rebel newspapers well sustained, while a single loyal paper is sustained with difficulty. He might discover that the rebel merchant or lawyer is full of business and growing rich, while the loyalist either fails, or is driven to pander and dissimulate. And he may find that the rebel chaplain preaches to overflowing houses, while the loyal minister is in truth a missionary in an unfriendly country. But he will hardly go into the social circle to learn that the Union man is not admitted into *society*, or into private families, to find that hatred of the Yankee and contempt for the government are inculcated by rebel ministers and teachers; nor will he visit the township election to learn that the bushwhacker and guerilla can defeat the most respectable Union man for constable or justice of the peace; or to the courts, to learn that the despised "Lincolnite" fails to get justice at the hands of a rebel jury. . .

A party exists in the State, which is every day becoming more and more compact and powerful, which sympathizes with the men and principles of the rebellion. It commands every agency to operate upon public opinion. It has five well-sustained and ably-edited daily papers in Memphis, four in Nashville, and one in Knoxville, and a weekly in each of the important villages. Their pardoned but talented and still popular leaders are still with them. Hundreds of rebel ministers who glory in having led off in the rebellion, and who have been throughout the war the bloodiest-minded men in the south, are still in the confidence of their people. All these mould public sentiment as they please, and command a party of over two-thirds of the white men of the State. Free from restrictions upon suffrage, they will probably cast 90,000 votes. . .

It is a sad delusion and a dangerous mistake to suppose that this hatred of loyalty, contempt for the negro, and alienation from the government, are confined to the politicians, or leaders as they are termed, and that the common people have been all the time loyal. It is certainly true that a portion of the southern people went into the rebellion reluctantly, and that a few were actually forced into it. But it is equally true that nine-tenths of those who went in reluctantly came out the bitterest of rebels. . . Long before the war the common laborer had learned to curse the Yankees and abolitionists. . . Filled with murderous hate, they have fought four years against their country. They have denounced and heard it denounced with every breath. They have suffered cold, hunger, and wounds in an effort to destroy it. They have slain its defenders, and seen their comrades fall in the same cause. The laws of human nature forbid the idea that they love their country. Indeed, it may well be doubted whether the capacity for patriotism is not extinguished in many of them.

[Statement of Gen. George H. Thomas]. Middle Tennessee is disturbed by personal animosities and hatreds, much more than it is by the disloyalty of persons towards the government of the United States. Those personal animosities would break out and overawe the civil authorities, but for the presence there of the troops of the United States. In West Tennessee these personal animosities exist even more strongly than they do in Middle Tennessee, and there is less loyalty in West Tennessee than there is in Middle Tennessee. But the people of Tennessee desire very much, it is their strongest desire, to be back in the government of the United States. Still, while they wish to enjoy the rights of citizenship, they are not friendly towards Union men, particularly men from Tennessee who have been in the Union army. They are more unfriendly to Union men, natives of the State of Tennessee, or of the south, who have been in the Union army, than they are to men of northern birth.

John Minor Botts on the Southern Situation

Report of Joint Committee on Reconstruction, part ii, p. 120. Botts was a noted Unionist of Virginia. [1866]

At the time of the surrender of General Lee's army and the restoration of peace I think there was, not only a general but an almost universal, acquiescence and congratulation among the people that the war had terminated, and a large majority of them were at least contented. . . But from the time that Mr. Johnson commenced his indiscriminate system of pardoning all who made application, . . they became bold, insolent, and defiant; and this was increased to a very large extent by the permission which was, immediately after the evacuation of Richmond, given by General Patrick, the democratic copperhead provost marshal of the army of the Potomac, to the original conductors of the public press before the rebellion to re-establish their papers, . . without restriction or limitation; . . since which time, . . the spirit of disloyalty and disaffection has gone on increasing day by day, and hour by hour, until among the leaders generally there is as much disaffection and disloyalty as there was any time during the war, and a hundredfold more than there was immediately after the evacuation and the surrender of the army. This is the conclusion to which my mind has been brought by the licentiousness of the press, and by communications which are made to me from all parts of the state, either verbally or by letter, from the most prominent and reliable Union sources. If I were to judge from anything I have ever heard personally from these gentlemen, I should not think there was any very great difference between their loyalty and yours or mine; but I hear of it elsewhere, and I see evidence of it daily, not only in the public press, but in the proceedings of the so-called legislature of the State. . . I give you the following extract of a letter from a prominent Union man of the State: . .

"I have no hopes of future loyalty unless the President and Congress can relieve the masses of the political incubus now weighing them to the ground. Hour after hour the democracy here are becoming more bold, more insolent, more proscriptive.

Was the war in all its horrid consequences designed to establish a democratic oligarchy here in the south and eventually turn over the general government with all its patronage and power to this pack of bloodhounds? Or was it designed to preserve the Union, maintain liberty, and wipe out forever all sectional parties? If for the former, then the prevailing policy will soon effect it; and when it does, I pray that God will cause a universal earthquake and blot out that portion of his footstool comprised within the United States. Under democratic rule again, hell would be a garden of Eden compared to the Southern States, and I should assuredly select it as a permanent place of abode if forced to choose between the two."

Treatment of the "Truly Loyal"

Report of Joint Committee on Reconstruction, part iii, p. 11. Testimony of William H. Smith, of Alabama, who opposed secession, became a Confederate judge, and later deserted. First "scalawag" governor of Alabama. [1866]

I was originally a Union man, and refused to take any part in the rebellion; stood out against it until I was compelled to leave home. . . [The Southern people] manifest the most perfect contempt for a man who is known to be an unequivocal Union man; call him a "galvanized yankee," [1] and apply other terms and epithets to him. In travelling on the cars you can hear such language used every day by people; or I can where I am not known. Where I am known personally they avoid the use of such language, generally; but I very frequently hear it where I am not known.

Persecution of Confederates by Unionists

J. T. Trowbridge, *The South*, p. 240. [1865]

I was sorry to find the fires of these old feuds still burning [in Tennessee]. The State Government was in the hands of Union men, and Rebels and refugees from the Union army were disfranchised. Secessionists, who assisted at the hanging

1. The term "galvanized yankee" was applied to a Confederate who went over to the other side

and robbing of Union men, and burned their houses, were receiving just punishment for their crimes in the civil courts and at the hands of the sheriff. This was well; and it should have been enough. But those who had suffered so long and so cruelly at the hands of their enemies did not think so. Returning Rebels were robbed; and if one had stolen back unawares to his home, it was not safe for him to remain there. I saw in Virginia one of these exiles, who told me how homesickly he pined for the hills and meadows of East Tennessee, which he thought the most delightful region in the world. But there was a rope hanging from a tree for him there, and he dared not go back. "The bottom rails are on top," said he: "that is the trouble." The Union element, and the worst part of the Union element, was uppermost. There was some truth in this statement. It was not the respectable farming class, but the roughs, who kept the old fires blazing. Many secessionists and Union men, who had been neighbors before the war, were living side by side again, in as friendly relations as ever.

Time the Only Cure

Report of Joint Committee on Reconstruction, part ii, p. 93. Testimony of Robert McCurdy, a Unionist clergyman, then in Virginia. [1865]

If they could secure their independence, I do not think there is any doubt at all about the course they would take. I think they would do anything in the world by which that could be secured. I do not think, however, that the southern people have any idea that there is any possibility, even the remotest, of anything occurring through which they can do anything but submit. I think it is universally the feeling that there is no hope and no help for them in this regard. Physically, they are perfectly humbled. It is impossible to make their physical humiliation more complete than it is. A lady recently remarked to a friend of mine, "You cannot expect us to treat the northern people well who come here, or to have any intercourse with them. *They have humiliated* us, and we cannot buy, or sell, or have any intercourse with them." I can see no hope of an

improvement in that respect except by the gradual operation of those causes which are above all opposition — commercial causes, the operation of trade, the demand for capital to come from the north, the emigration of persons from the north moving southward, the moving of southern people to distant points and colonizing and getting into new scenes and under new circumstances. I look for the gradual operation of these causes. I do not see why the south should witness any different results than those which Italy witnessed in the case of her northern conquerors, and which England witnessed in the case of the Normans. . . The people of the south esteem themselves a superior people. Northern men going among them with more activity, more business relations, with less luxury, will control in some departments; and there will be dissimilarity until time and the various causes, that are operating in spite of everything, produce homogeneity. There is no miracle to be wrought in this case. Time and nature's laws, not mere legislation of any kind, can effect it. There must be patient waiting. If I were a secessionist; if I had gone with the people of the south; if I had taken the same view of matters which they took; if my judgment, conviction, and conscience had not been all against them; if my church education and my education by my forefathers had not influenced me against them; if, in short, I had taken the course they adopted, I would do just precisely as they are doing; if it were a matter of principle, I should, of course, abide by the principle, and should esteem it something more than even dollars and cents, and political power, and home, and everything else. .

All they can effect politically, socially, and ecclesiastically, they will. They have no more use for bullets. They henceforth use the social, the ecclesiastical, and the political ballot.

Feeling toward Northern People

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 7. From Report of Carl Schurz to President Johnson. [1865]

BUT no instance has come to my notice in which the people of a city or a rural district cordially fraternized with the army. Here and there the soldiers were welcomed as protectors against apprehended dangers; but general exhibitions of cordiality on the part of the population I have not heard of. There are, indeed, honorable individual exceptions to this rule. Many persons . . are honestly striving to soften down the bitter feelings and traditional antipathies of their neighbors; others, who are acting more upon motives of policy than inclination, maintain pleasant relations with the officers of the government. But, upon the whole, the soldier of the Union is still looked upon as a stranger, an intruder — as the "Yankee," "the enemy." . . The existence and intensity of this aversion is too well known to those who have served or are now serving in the south to require proof. . .

This feeling of aversion and resentment with regard to our soldiers may, perhaps, be called natural. The animosities inflamed by a four years' war, and its distressing incidents, cannot be easily overcome. But they extend beyond the limits of the army, to the people of the north. I have read in southern papers bitter complaints about the unfriendly spirit exhibited by the northern people. . . But, as far as my experience goes, the "unfriendly spirit" exhibited in the north is all mildness and affection compared with the popular temper which in the south vents itself in a variety of ways and on all possible occasions. No observing northern man can come into contact with the different classes composing southern society without noticing it. He may be received in social circles with great politeness, even with apparent cordiality; but soon he will become aware that, although he may be esteemed as a man, he is detested as a "Yankee," . . the word "Yankee" still signifies

to them those traits of character which the southern press has been so long in the habit of attributing to northern people; and whenever they look around them upon the traces of the war, they see in them not the consequences of their own folly, but the evidence of "Yankee wickedness."

Treatment of Northern Men

Senate Ex. Doc. no. 43, 39 Cong., 1 Sess. Report of B. C. Truman to the President. Truman was a New Englander who served during the war as a staff officer. After the war he was one of the President's secretaries and was sent to investigate conditions in the South. [1866]

THERE is a prevalent disposition not to associate too freely with northern men, or to receive them into the circles of society; but it is far from insurmountable. Over southern society, as over every other, woman reigns supreme, and they are more imbittered against those whom they deem the authors of all their calamities than are their brothers, sons and husbands. It is a noteworthy ethnological fact, and one I have often observed, that of the younger generation the southern women are much superior to the southern men both in intellect and energy; and their ascendency over society is correspondingly great. However this disparity is to be accounted for, whether by the enormous wastage of the war among the males, or otherwise, it nevertheless exists, and to its existence is greatly due the exclusiveness of southern society.

But the stories and rumors to the effect that northern men are bitterly persecuted and compelled to abandon the country, I pronounce false. If northern men go south they must expect for a while to be treated with neglect, and sometimes with contempt; but if they refrain from bitter political discussions, and conduct themselves with ordinary discretion, they soon overcome these prejudices and are treated with respect. The accounts that are from time to time flooded over the country in regard to southern cruelty and intolerance toward northerners are mostly false. I could select many districts, however, particularly in northern Texas and portions of Mississippi, where the northern men could not at present live with any

degree of self-respect. There are also localities in many of the southern States where it would be dangerous for a northern man to live, but they are exceptional, and are about equally unsafe for any man who possesses attractive property. For some unknown cause a large number of persons are engaged in writing and circulating falsehoods. For some unpatriotic purpose or other, reports of an incendiary character concerning the southern people are transmitted north. To learn the falseness of these reports one needs only to obtain the facts. I am personally acquainted with most of the officers of a hundred-odd regiments of volunteers, and out of these I could name thirty regiments one-half of whose officers and many of the men have returned to the south, and as many more that have left large numbers there upon being disbanded. Hundreds, . . of the officers of colored regiments — the most offensive to the south — have remained there and entered into business. . . Large numbers of ex-federal and ex-confederate officers are engaged together in mercantile pursuits and in cotton-planting. Nearly all of the cotton plantations in Florida are being run by such parties. The banks of the Mississippi are lined with plantations which have been leased by northern men and federal officers. Arkansas and White river plantations are generally being run by officers who have served under General Reynolds, while a large number of the Red river plantations have been placed under cultivation by ex-officers of General A. J. Smith's command. Fourteen officers of a colored (Kentucky) regiment are engaged in planting and raising cotton near Victoria, Texas. The First National Bank of Texas, at Galveston, has for president ex-Major General Nichols, of the late confederate army, and ten of its directors are also ex-rebel officers, while the cashier is ex-Major General Clark, of the Union army, and who formerly commanded a division of colored troops. In all of these connections the utmost harmony prevails. Notwithstanding the above facts — and I could multiply them — I maintain that in many sections of the south there is a wide-spread hostility to northern men, which, however, in nine cases out of ten, is

to make any ostensible concession that will not prevent them from arranging things to suit their taste as soon as that object is attained. This class comprises a considerable number, probably a large majority, of the professional politicians who are extremely active in the reconstruction movement. They are loud in their praise of the President's reconstruction policy, and clamorous for the withdrawal of the federal troops and the abolition of the Freedmen's Bureau.

3. The incorrigibles, who still indulge in the swagger which was so customary before and during the war, and still hope for a time when the southern confederacy will achieve its independence. This class consists mostly of young men, and comprises the loiterers of the towns and the idlers of the country. They persecute Union men and negroes whenever they can do so with impunity, insist clamorously upon their "rights," and are extremely impatient of the presence of the federal soldiers. A good many of them have taken the oaths of allegiance and amnesty, and associated themselves with the second class in their political operations. This element is by no means unimportant; it is strong in numbers, deals in brave talk, addresses itself directly and incessantly to the passions and prejudices of the masses, and commands the admiration of the women.

4. The multitude of people have no definite ideas about the circumstances under which they live and about the course they have to follow; whose intellects are weak, but whose prejudices and impulses are strong, and who are apt to be carried along by those who know how to appeal to the latter.

Much depends upon the relation and influence of these classes. . . But whatever their differences may be, on one point they are agreed: further resistance to the power of the national government is useless, and submission to its authority a matter of necessity. It is true, the right of secession in theory is still believed in by most of those who formerly believed in it; some are still entertaining a vague hope of seeing it realized at some future time, but all give it up as a practical impossibility for the present. All movements in favor of

separation from the Union have, therefore, been practically abandoned, and resistance to our military forces, on that score, has ceased. The demonstrations of hostility to the troops and other agents of the government, which are still occurring in some localities, and of which I shall speak hereafter, spring from another class of motives. This kind of loyalty, however, which is produced by the irresistible pressure of force, and consists merely in the non-commission of acts of rebellion, is of a negative character, and might as such, hardly be considered independent of circumstances and contingencies. . .

Treason does, under existing circumstances, not appear odious in the south. The people are not impressed with any sense of its criminality. . . There is, as yet, among the southern people an utter absence of national feeling. I made it a business, while in the south, to watch the symptoms of "returning loyalty" as they appeared not only in private conversation, but in the public press and in the speeches delivered and the resolutions passed at Union meetings. Hardly ever was there an expression of hearty attachment to the great republic, or an appeal to the impulses of patriotism; but whenever submission to the national authority was declared and advocated, it was almost uniformly placed upon two principal grounds: That under present circumstances, the southern people could "do no better;" and then that submission was the only means by which they could rid themselves of the federal soldiers and obtain once more control of their own affairs. . .

One of the greatest drawbacks under which the southern people are laboring is, that for fifty years they have been in no sympathetic communion with the progressive ideas of the times. . . The southern people honestly maintained and believed, not only that as a people they were highly civilized, but that their civilization was the highest that could be attained, and ought to serve as a model to other nations, the world over. The more enlightened individuals among them felt sometimes a vague impression of the barrenness of their mental life, and the barbarous peculiarities of their social organization; but very few ever dared to investigate and to expose the true cause

of these evils. Thus the people were so wrapt up in self-admiration as to be inaccessible to the voice even of the best-intentioned criticism. Hence the delusion they indulged in as to the absolute superiority of their race — a delusion which in spite of the severe test it has lately undergone, is not yet given up; and will, as every traveller in the South can testify from experience, sometimes express itself in singular manifestations. This spirit, which for so long a time has kept the southern people back while the world besides was moving, is even at this moment still standing as a serious obstacle in the way of progress. . .

If nothing were necessary but to restore the machinery of government in the States lately in rebellion in point of form, the movements made to that end by the people of the South might be considered satisfactory. But if it is required that the southern people should also accommodate themselves to the results of the war in point of spirit, those movements fall far short of what must be insisted upon.

The loyalty of the masses and most of the leaders of the southern people, consists in submission to necessity. There is, except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriotism.

The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all independent State legislation will share the tendency to make him such. . .

The solution of the problem would be very much facilitated by enabling all the loyal and free labor elements in the south to exercise a healthy influence upon legislation. It will hardly be possible to secure the freedmen against oppressive class legislation and private persecution, unless he be endowed with a certain measure of political power. . .

I desire not to be understood as saying that there are no well-meaning men among those who were compromised in the

rebellion. There are many, but neither their number nor their influence is strong enough to control the manifest tendency of the popular spirit. There are great reasons for hope that a determined policy on the part of the national government will produce innumerable and valuable conversions. This consideration counsels lenity as to persons such as is demanded by the humane and enlightened spirit of our times, and vigor and firmness in the carrying out of principles, such as is demanded by the national sense of justice and the exigencies of our situation.

Popular Sentiment in the South

Senate Ex. Doc. no. 43, 39 Cong., 1 Sess., p. 4. Report of B. C. Truman to President Johnson. [April 9, 1866]

THE opinion has gained wide-spread acceptance in the north, through the medium of letter-writers, southern editorials, and other vehicles of rumor and information, that the south is to-day more disloyal towards the government than at the conclusion of the war. Various reasons are urged to account for this, chief among which is that this people have been brought to this state by an ill-timed, ill-advised leniency. What are the facts? When the war ended, it left the south prostrated, stricken, helpless. Even many of the most intelligent looked for general confiscation, proscription, and the reign of the scaffold; the news of the successive surrender of those armies that they had looked upon as standing alone between themselves and the direct calamities of history, threw the minds of the people into a state of the most abject terror. For many days, and even weeks — so I have been informed — in a thousand instances, the wretched, frightened women and children, deprived of their former protectors, lived in a state of the most fearful suspense, in hourly apprehension of the beginning of all that their frightful imaginations, and those of their editors, had been able to conceive of northern vandalism and hideous butchery. The old men and the youths, and even the adult citizens, shared largely in this "fearful looking for of judgment." . . This feeling, however, almost immediately after

passed away, and the continued delay of anticipated retribution restored them to their wonted equanimity. Immediately succeeding this there sprang up what many conscientious people are prone to term an increase of disloyalty. But was it such? I give it another solution. What, then, is the sentiment that has inspired these noisy and reckless utterances of late, which have given so much color to the charge? It is simply the returning wave that followed the depression of defeat — the inevitable and wholesome reaction from despair. It was to have been expected, and in my humble opinion could not well have been avoided, and is not indicative of any deep-seated malady, but rather the contrary. . . The boisterous demagogues, and especially the reckless editors, . . were for the moment appalled and stricken dumb in the presence of the gigantic calamity that had overtaken them, and in the near prospect of impending ruin; but soon they became reassured by the moderation of the government, and finding their lives still in their hands, have not ceased to pour forth those obnoxious utterances which are taken as evidence and proof of an increase of disloyalty. It is with diffidence, that I venture to dissent from the published opinions of many distinguished witnesses who have taken this view, but I am free to declare my firm conviction that it is altogether superficial and not founded in fact.

It is my belief that the south — the great, substantial, and prevailing element — is more loyal now than it was at the end of the war — more loyal to-day than yesterday, and that it will be more loyal to-morrow than to-day. . . Just as certainly as for four years the mass of popular sentiment in the south was slowly solidifying and strengthening in favor of the bogus confederacy, just so certain it is that from the date of its downfall that opinion has been slowly returning to its old attachments. For many years the dream of independence had been increasingly cherished and nurtured in the breasts of thousands; for four years that dream was a living fact, penetrating the consciousness of all, and receiving the sympathies of scarcely less than all; and then came the sudden and appalling crash

— the awakening from this dream to the unwelcome but inexorable truth that the pleasing vision had vanished. As weeks, months, and years steadily accumulate, and the remembrances of that brief happiness vanish in the distance, the yearning for it will grow weak and inconstant. That dream will never be revived, in my opinion — never; and if I am satisfied of anything in relation to the south, it is that the great majority of its leading men have forever renounced all expectations of a separate nationality.

Historical Societies and Rebellion

Report of Joint Committee on Reconstruction, part III, p. 123. Statement of General B. H. Grierson, U. S. Army. [1866]

I BELIEVE that there is an organization existing now throughout the south for the renewal of the rebellion. Many circumstances or things which have occurred since the surrender make me believe so. I have a statement from a reliable man that one of the present State representatives of Alabama said that an organization did exist throughout the whole south for that purpose, and I learned from other parties that the "Historical Society" has something to do with it. You may have observed notices of very large attendances at Historical Society meetings in Georgia and Alabama.

The Deceitful Southerners

Report of Joint Committee on Reconstruction, part iv, p. 5. Statement of a Northern government official in Florida. [1866]

THE only way for this government to make these people its friends is just to keep them down. They have more respect for a man who goes there and shows decision than they do for one who is wavering. . . I would pin them down at the point of the bayonet so close that they would not have room to wiggle, and allow intelligent colored people to go up and vote in preference to them. The only Union element in the south proper, among the original inhabitants, is among the colored people. The whites will treat you very kindly to your face,

but they are deceitful. I have often thought, and so expressed myself, that there is so much deception among the people of the south since the rebellion, that if an earthquake should open and swallow them up, I was fearful the devil would be dethroned and some of them take his place.

Good Advice to the Southern People

Annual Cyclopedia, 1866, p. 326. Address to the People by Governor D. S. Walker of Florida. [1866]

LET us constantly remember that every lawless act any individual in our State may commit, and every indiscreet expression that may be uttered, is immediately exaggerated and published broadcast over the Northern States with the view of making it appear that the President is wrong and his enemies are right. . . The eyes of the world are upon us. Let us therefore, be wise as serpents, and harmless as doves. In times like these, it is the duty of every good citizen not only to obey the Constitution and laws himself, but to see as far as possible that every one else does so, for each now is held responsible for all, and all are held responsible for each. Therefore I charge not only every officer, but also every man in the State, to be vigilant in the exercise of all his duties as a loyal citizen of the United States, to see that all crime is instantly punished, and that all the laws, and particularly those for the protection of the freedmen, are duly executed. . .

I know that our people are loyal, and I feel under no necessity therefore, of impressing the duty of loyalty upon them, but I wish to warn them particularly against all expressions of impatience which can by any system of torturing, be construed into utterances of disloyalty. Such expressions are all reported to the North and magnified and made to play an important part in the war upon the President. Every intemperate paragraph in a newspaper is particularly adapted to this purpose — and I here beg leave to say that I think it is high time that the custom which has so long prevailed among our people and newspapers both South and North, and with such disastrous results, of speaking evil of each other, should be desisted from

— it . . is productive of nothing but evil continually. I am sorry to say that some of our Southern newspapers are copying too closely the bad example set by some in the North. The only object of certain journals would seem to be to prejudice one section of the country against the other. . . They appear not to care what becomes of the country. The Northern papers of this class reject as odious all notice of anything good that is done in the South, and collect with care every instance of lawlessness, great or small, real or imaginary, and parade it in their columns until the minds of their readers are poisoned against us, and they mistake the act of one lawless individual for the uniform conduct of the whole community.

On the other hand, some of our Southern papers notice nothing good in the North, but cull with care every instance of elopement, murder, theft, robbery, arson, burglary, . . until their readers are taught to believe that the North is utterly corrupt. . . The God of battles has irrevocably decreed that we are one people. We must live together as brethren.

Popular Regard for Confederate Leaders

Publications Mississippi Historical Society, vol. VIII, p. 84. Burton N. Harrison to his mother. Harrison was President Davis's private secretary. [May 15, 1867]

AT all the landings up the river there were little clusters of people to see Mr. Davis. At Brandon they . . learned that the chief was coming up the next day. They were ready to receive us, therefore, and such a reception one can hardly expect anywhere else in the world. The ladies came on the boat, embracing and kissing him, weeping, praying, and asking God's blessing on him, until we were all overcome with the scene. Reaching Richmond we found a crowd of thousands of people on the wharves, — mainly negroes, some of whom had been instructed by the vicious Yankee emissaries who are among them, to show their insolence to us. The presence of some soldiers, however, served to keep them in order and nothing disagreeable happened. . . All along the street men stood with uncovered heads and the women waved their handkerchiefs

from the windows. . . He . . received visits from hundreds of friends who called.

Next day, Sunday, he spent indoors, receiving visitors — particularly just after the congregations came from church. The parlor was crowded with pretty women — he kissed every one of them — and I observed that he took delight in kissing the prettiest when they went out as well as when they came in.

Monday morning the feeling thro'out the community was at fever heat. The Judge, Underwood, is the "bete noir" of Richmond, — everybody regarded him with horror and disgust because of that villainous discourse to his grand jury of negroes, which he called his "charge." . .

The women, all over town, were praying, and the men wore the most anxious faces even those streets had ever seen. The people kept their excitement under control, however, because everybody felt that an outburst would only compromise Mr. Davis. . .

Everything was according to our hopes. . . When it came to the Judge's turn to speak and he announced that the case was "bailable" and that he would admit the prisoner to bail, the effect was electrical. Everybody's face brightened, when it was all over, everybody rushed forward to congratulate Mr. Davis. The court room which had been as still almost as a death chamber resounded with shouts. . .

As long as I live I shall never forget the joyful excitement of the crowd outside, as they rushed to the carriage to shake his hand and pursued us with cheers and "God's blessings." At the hotel was a great company — assembled to congratulate him as he came up the stairs upon my arm, but everybody held back with instinctive delicacy as he entered the room where his wife was. . . The door was locked and we all knelt around the table in thankful prayer for the deliverance which God had brought us. We were all sobbing, with tears of joyful emotion . . the door was opened and the happy multitude of friends came in with their tears and smiles of welcome.

9. INFLUENCE OF THE CONFEDERATES

General Lee's Advice to the Southern People

Extracts from General Lee's letters. Printed by permission of Capt. Robert E. Lee. See also R. E. Lee, *Recollections and Letters of General Lee*; J. W. Jones, *Personal Reminiscences of Gen. Robt. E. Lee*; and White, *Robert E. Lee.* [1865-1869]

[To Captain Josiah Tatnall, September 7, 1865]. Like yourself, I have, since the cessation of hostilities, advised all with whom I have conversed on the subject, who come within the terms of the President's proclamations, to take the oath of allegiance, and accept in good faith the amnesty offered. But I have gone further, and have recommended to those who were excluded from their benefits, to make application under the *proviso* of the proclamation of the 29th of May, to be embraced in its provisions. Both classes, in order to be restored to their former rights and privileges, were required to perform a certain act, and I do not see that an acknowledgment of fault is expressed in one more than in the other. The war being at an end, the Southern States having laid down their arms, and the questions at issue between them and the Northern States having been decided, I believe it to be the duty of every one to unite in the restoration of the country, and the reëstablishment of peace and harmony. These considerations governed me in the counsels I gave to others, and induced me on the 13th of June to make application to be included in the terms of the amnesty proclamation. I have not received an answer, and cannot inform you what has been the decision of the President. But, whatever that may be, I do not see how the course I have recommended and practiced can prove detrimental to the former President of the Confederate States. It appears to me that the allayment of passion, the dissipation of prejudice, and the restoration of reason, will alone enable the people of the country to acquire a true knowledge and form a correct judgment of the events of the past four years. It will, I think, be admitted that Mr. Davis has done nothing more than all the citizens of the South-

ern States, and should not be held accountable for acts performed by them in the exercise of what had been considered by them unquestionable right. I have too exalted an opinion of the American people to believe that they will consent to injustice; and it is only necessary, in my opinion, that truth should be known, for the rights of every one to be secured. I know of no surer way of eliciting the truth than by burying contention with the war.

[To Colonel R. L. Maury, 1865.] I do not know how far their emigration to another land may conduce to their prosperity. Although prospects may not now be cheering, I have entertained the opinion that, unless prevented by circumstances or necessity, it would be better for them [Confederate leaders] and the country to remain at their homes and share the fate of their respective States.

[To Gov. John Letcher.] All should unite in honest efforts to obliterate the effects of war, and to restore the blessings of peace. They should remain, if possible, in the country; promote harmony and good-feeling; qualify themselves to vote; and elect to the State and general legislatures wise and patriotic men, who will devote their abilities to the interests of the country, and the healing of all dissensions; I have invariably recommended this course since the cessation of hostilities, and have endeavored to practice it myself.

"The Backbone and Sinew of the South"

Senate Ex. Doc. no. 43, 39 Cong., 1 Sess., p. 2. From B. C. Truman's report to the President. [April 9, 1866]

If any general assertion can be made that will apply to the masses of the people of the south, it is that they are at the present time indifferent toward the general government. For four years of eventful life as a nation, they were accustomed to speak of and regard, "our government" as the one which had its seat in Richmond; and thousands who at first looked upon that government with great suspicion and distrust, gradually, from the mere lapse of time and the force of example, came to admit it into their ideas as their government. The

great body of the people in any country always move slowly; the transfer of allegiance from one *de facto* government to another is not effected in a day, whatever oaths of loyalty may be taken; and I have witnessed many amusing instances of mistakes on the part of those of whose attachments to the government there could be no question. Ignorance and prejudice always lag furthest behind any radical change, and no person can forget that the violent changes of the past few years have left the ideas of the populace greatly unsettled and increased their indifference. Fully one-half of the southern people never cherished an educated and active attachment to any government that was over them, and the war has left them very much as it found them.

The rank and file of the disbanded southern army — those who remained in it to the end — are the backbone and sinew of the south. Long before the surrender, corps, divisions, brigades, and regiments had been thoroughly purged of the worthless class — the skulkers — those of whom the south, as well as any other country, would be best rid; and these it is that are now prolonging past bitternesses. These are they, in great part, as I abundantly learned by personal observation, that are now editing reckless newspapers, and that put forth those pernicious utterances that so little represent the thinking, substantial people, and are so eagerly seized out and paraded by certain northern journalists, who themselves as little represent the great north. To the disbanded regiments of the rebel army, both officers and men, I look with great confidence as the best and altogether most hopeful element of the south, the real basis of reconstruction and the material of worthy citizenship. On a thousand battle-fields they have tested the invincible power of that government they vainly sought to overthrow, and along a thousand picket lines, and under the friendly flag of truce, they have learned that the soldiers of the Union bore them no hatred, and shared with them the common attributes of humanity. Around the returned soldier of the south gathers the same circle of admiring friends that we see around the millions of hearth-stones in our own sec-

tion, and from him they are slowly learning the lesson of charity and of brotherhood. I know of very few more potent influences at work in promoting real and lasting reconciliation and reconstruction than the influence of the returned southern soldier.

The South "Accepts the Situation"

MS. Letter. Gen. Wade Hampton to President Johnson. [1866]

THE South unequivocally "accepts the situation" in which she is placed. Everything that she has done has been done in perfect good faith, and in the true and highest sense of the word, she is loyal. By this I mean *that she intends to abide by the laws of the land honestly; to fulfill all her obligations faithfully and to keep her word sacredly,* and I assert that the North has no right to demand more of her. You have no right to ask, or expect that she will at once profess unbounded love to that Union from which for four years she tried to escape at the cost of her best blood and all her treasure. Nor can you believe her to be so unutterably hypocritical, so base as to declare that the flag of the Union has already usurped in her heart the place which has so long been sacred to the "Southern Cross." The men at the South who make such professions are renegades or traitors and they will surely betray you if you trust them. But the brave men who fought to the last in a cause which they believed *and still believe* to have been a just one, who clung to their colors as long as they waved, and who, when their cause was lost, acknowledged their defeat and accepted the terms offered to them, as they were true to their convictions in the one case, they will prove true to their obligations in the other.

"Buttons a Sign of Disloyalty"

Report of Joint Committee on Reconstruction, part II, p. 47. [1866]

I THINK myself the way the rebels parade their uniforms, wearing their buttons, is a sign of disloyalty. . . A great many coats are worn which were worn in the rebel army. As a general thing their buttons are cut off; but there are a good many who still wear their buttons. Some coats are evidently new, made in the old shape, but merely denuded of buttons, while a great many wear buttons. The gray predominates throughout the south. They seem to fancy it.

Confederate Uniforms Forbidden

Whitelaw Reid, *After the War,* p. 156. [1865]

INDEED, nothing was more touching, in all that I saw in Savannah, than the almost painful effort of the Rebels, from Generals down to privates, to conduct themselves so as to evince respect for our soldiers, and to bring no severer punishment upon the city than it had already received. There was a brutal scene at the hotel, where a drunken sergeant, with a pair of tailors' shears, insisted on cutting the buttons from the uniform of an elegant gray-headed old Brigadier, who had just come in from Johnston's army; but he bore himself modestly and very handsomely through it. His staff was composed of fine-looking, stalwart fellows, evidently gentlemen, who appeared intensely mortified at such treatment . . they had no clothes save their Rebel uniforms, and had, as yet, had no time to procure others — but they avoided disturbance, and submitted to what they might, with some propriety, and with the general approval of our officers, have resented. What these men may become, under a lax rein, cannot be said; but, supposing themselves under a tight rein, they are now behaving, in the main, with very marked propriety.

10. MISREPRESENTATION OF THE SOUTH

"A High Bred Lady of Mobile"

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 58. Statement of Gen. T. Kilby Smith to Carl Schurz. [September 14, 1865]

ONE of the most intelligent and high-bred ladies of Mobile, having had silver plate stolen from her more than two years ago, and having, upon affidavit, secured the incarceration of two of her former slaves whom she suspected of the theft, came to me in my official capacity, and asked my order to have them whipped and tortured into a confession of the crime charged and the participants in it. This lady was surprised when I informed her that the days of the rack and the thumbscrew were passed, and though pious, well bred, and a member of the church, thought it a hardship that a negro might not be whipped or tortured till he would confess what he *might* know about a robbery, although not even a *prima facie* case existed against him, or that sort of evidence that would induce a grand jury to indict. I offer this as an instance of the feeling that exists in all classes against the negro, and their inability to realize that he is a free man and entitled to the rights of citizenship.

"Southern Atrocities"

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess. Document appended to report of Carl Schurz. This report was republished by the Union League and scattered over the North. Numerous reports similar to this were circulated by agitators. [July 20, 1865]

Freedmen's Bureau [Mobile], July 20, 1865.

SIR: I have the honor to report some testimony I have received of the Murders and Barbarities committed on the freedmen of Clark, Choctaw, Washington and Marengo counties, also the Alabama and Bigbee rivers.

About the last of April, two freedmen were hung in Clark county.

On the night of the eleventh of May, a freedman named Alfred was taken from his bed by his master and others and was hung, and his body still hangs to the limb.

About the middle of June, two colored soldiers (at a house in Washington county) showed their papers and were permitted to remain all night. In the morning the planter called them out and shot one dead, wounded the other, and then with the assistance of his brother (and their negro dogs) they pursued the one who had escaped. He ran about three miles and found a refuge in a white man's house, who informed the pursuers that he had passed. The soldier was finally got across the river, but has not been heard of since.

At Bladen Springs, (or rather, six miles from there) a freedman was chained to a pine tree and *burned to death.*

About two weeks after, and fifteen miles from Bladen, another freedman was burned to death.

In the latter part of May, fifteen miles south of Bladen, a freedman was shot *outside* of the planter's premises and the body dragged into the stable, to make it appear he had shot him in the act of stealing.

About the first of June, six miles west of Bladen, a freedman was hung. His body is still hanging.

About the last of May, three freedmen were coming down the Bigbee river in a skiff, when two of them were shot; the other escaped to the other shore. . .

About the first of May, near —— landing, in Choctaw county, a freedman was hung; and about the same time, near the same neighborhood, a planter shot a freedman, (who was talking to one of his servants,) and dragged his body into his garden to conceal it.

A preacher (near Bladen Springs) states in the *pulpit* that the roads in Choctaw county stunk with the dead bodies of servants that had fled from their masters.

The people about Bladen *declare* that *no negro* shall live in the country unless he remains with his *master* and is as obedient as heretofore.

In Clark county, about the first of June, a freedman was shot through the heart; his body lies unburied.

About the last of May, a planter hung his servant (a woman) in presence of all the neighborhood. Said planter

had killed this woman's husband three weeks before. This occurred at Suggsville, Clark county.

About the last of April, two women were caught near a certain plantation in Clark county and hung; their bodies are still suspended.

On the 19th of July, two freedmen were taken off the steamer Commodore Farrand, tied, and hung; then taken down, their heads cut off and their bodies thrown in the river.

July 11, two men took a woman off the same boat and threw her in the river. This woman had a coop, with some chickens. They threw all in together, and told her to go to the damned Yankees. The woman was drowned.

There are regular patrols posted on the rivers, who board some of the boats, after the boats leave they hang, shoot, or drown the victims they may find on them, and all those found on the roads or coming down the river are most invariably *murdered.*

This is only a few of the murders that are committed on the helpless and unprotected freedmen of the above named counties. . .

I have been careful of authenticity, and very much has been related to me that I have declined accepting as testimony, although I believe its truth.

The history of all these cases, besides others, I have in full, with all their horrible particulars.

W. A. Poillon,
Captain and Ass't. Sup't. Freedmen.

Complaints about Misrepresentation

House Journal (Alabama), January 16, 1867. [1867]

Whereas, Correspondents of public journals North and West, and speakers clerical and secular, are daily asserting that it is unsafe for persons recently in hostility to us to come among us, or to reside in our midst on account of threatened personal violence, greatly to the prejudice of our interests, and the speedy restoration of those friendly relations essential to the

prosperity of the people, and to the quiet of the nation: Therefore,

Be it resolved, etc., That we hereby publish and declare all such assertions to be calumnies working great injustice and wrong to the people of Alabama, who are peaceable and law-abiding citizens actively engaged in the pursuit of peace, trying to restore their shattered fortunes by honest industry, and willing to receive, and earnestly invite all who are honest, industrious, and peaceable, and are desirous of establishing themselves as farmers, mechanics, or artisans amongst us, and to become citizens of our State, to assist in tilling our fertile lands.

11. FROM SLAVERY TO FREEDOM

The News of Freedom

Smedes, *A Southern Planter*, p. 228. Copyright 1887. Used by permission of James Pott and Co. [1865]

On the day that the news reached him, he [Col. Dabney] called his son Thomas to him, and they rode together to the field where the negroes were at work. He informed them of the news that had reached him, and that they were now free. His advice was that they should continue to work the crop as they had been doing. At the end of the year they should receive such compensation for their labor as he thought just.

From this time till January 1, 1866, no apparent change took place among the Burleigh negroes. Those who worked in the field went out as usual, and cultivated and gathered in the crops. In the house, they went about their customary duties. We expected them to go away or to demand wages, or at least to give some sign that they knew they were free, except that they were very quiet and serious, and more obedient and kind than they had ever been known to be . . we saw no change in them.

At Christmas such compensation was made them for their services as seemed just. Afterwards fixed wages were offered and accepted. Thomas called them up now and told them that as they no longer belonged to him they must discontinue calling him "master." "Yes, marster," "yes, marster," was the answer to this.

"Free as Birds"

Mrs. V. V. Clayton, *White and Black under the Old Regime*, p. 152. Copyright 1899. Used by permission of Mrs. Clayton. [1865]

My husband said . . "I think it best for me to inform our negroes of their freedom." So he ordered all the grown slaves to come to him, and told them they no longer belonged to him as property, but were all free. He said to them, "You are not bound to remain with me any longer, and I have a proposi-

tion to make to you. If any of you desire to leave, . . I propose to furnish you with a conveyance to move you, and with provisions for the balance of the year." The universal answer was, "Master, we want to stay right here with you."

The pleasure of knowing they were free seemed to be mingled with sadness. That very night, long after the usual hour for bedtime, the hum of the busy spinning wheel was heard. On inquiry in the morning I found that Nancy was the one spinning long into the night. Asking why she had been up so late at night at work, she replied: "I have no master to feed and clothe Nancy now. She will have to look out for something for herself and look out for the rainy day." In many instances the slaves were so infatuated with the idea of being as they said "free as birds," that they left their homes and consequently suffered; but our slaves were not so foolish. We had the cotton crop on hand which was made the first year of the war. . . This old cotton crop was sold, and the proceeds divided out among all; each family receiving according to its size. . . Our negroes soon parted with their money. Some bought judiciously, some gay finery. All were pleased. My brother had a man named John, a brick mason by trade, to whom he was very much attached. He said to him, "John, you are free." He replied: "Massa, I'd like to see them Yankees make me eny freer den I is." . .

Gen. Clayton devoted himself to his farm, the only difference in the order of things being that the former slaves were paid monthly wages, and provided their own clothes. I often said to my husband that the freedom to the negroes was a freedom to me, a freedom from responsibility and care.

A Plan for a Negro Town

Whitelaw Reid, *After the War*, p. 89. Extracts from the military order organizing Mitchellville in South Carolina. There were hundreds of similar organizations. This was the army plan for solving the negro problem. [1865]

1. All lands now set apart for the colored population, near Hilton Head, are declared to constitute a village, to be known

as the village of Mitchelville. Only freedmen and colored persons residing or sojourning within the territorial of said village, shall be deemed and considered inhabitants thereof.

2. The village of Mitchelville shall be organized and governed as follows: Said village shall be divided into districts, as nearly equal in population as practicable, for the election of councilmen, sanitary and police regulations, and the general government of the people residing therein.

3. The government shall consist of a supervisor and Treasurer, to be appointed by, and hold office during the pleasure of the Military Commander of the district assisted by a councilman from each council district, to be elected by the people, who shall also, at the same time, choose a Recorder and Marshal. The duties of the Recorder and Marshal shall be defined by the Council of Administration.

4. The Supervisor and Councilmen shall constitute the Council of Administration, with the Recorder as secretary.

5. The Council of Administration shall have power:

To pass such ordinances as it shall deem best, in relation to the following subjects: To establish schools for the education of children and other persons. To prevent and punish vagrancy, idleness and crime. To punish licentiousness, drunkenness, offences against public decency and good order, and petty violation of the rights of property and person. To require due observance of the Lord's Day. To collect fines and penalties. To punish offences against village ordinances. To settle and determine disputes concerning claims for wages, personal property, and controversies between debtor and creditor. To levy and collect taxes to defray the expenses of the village government, and for the support of schools. To lay out, regulate, and clean the streets. To establish wholesale sanitary regulations for the prevention of disease. To appoint officers, places and times for the holding of elections. To compensate municipal officers, and to regulate all other matters affecting the well-being of the citizens, and good order of society. . .

8. Hilton Head Island will be divided into school districts, to conform, as nearly as practicable, to the schools as established by the Freedmen's Association. In each district there shall be elected one School Commissioner, who will be charged with supplying the wants of the schools, under the direction of the teacher thereof. Every child, between the ages of six and fifteen years, residing within the limits of such school Districts, shall attend school daily, while they are in session, excepting only in case of sickness. Where children are of a suitable age to earn a livelihood, and their services are required by their parents or guardians, and on the written order of the teacher of such school District, may be exempt from attendance, for such time as said order shall specify. And the parents and guardians will be held responsible that said children so attend school, under the penalty of being punished, at the discretion of the Council of Administration.

Free Negro Labor

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 21. From Carl Schurz's report to President Johnson. [1865]

IMMEDIATELY after the emancipation of the slaves, when the general confusion was most perplexing, the prevalent desire among the whites seemed to be, if they could not retain their negroes as slaves, to get rid of them entirely. Wild speculations were indulged in, how to remove the colored population at once and to import white laborers to fill its place; how to obtain a sufficient supply of coolies, etc. Even at the present moment the removal of the freedmen is strongly advocated by those who have the traditional horror of a free negro, and in some sections, especially where the soil is more adapted to the cultivation of cereals than the raising of the staples, planters appear to be inclined to drive the negroes away, at least from their plantations. . .

I found a very few instances of original secessionists also manifesting a willingness to give the free-labor experiment a fair trial. I can represent the sentiment of this small class in no better way than by quoting the language used by an Alabama

judge. . . "As to this thing of free negro labor, I do not believe in it, but I will give it a fair trial. I have a plantation and am going to make contracts with my hands, and then I want a real Yankee to run the machine for me; not one of our New Yorkers or Pennsylvanians, but the genuine article from Massachusetts or Vermont — one who can not only farm, but sing psalms and pray, and teach school — a real abolitionist, who believes in the thing just as I don't believe in it. If he does not succeed, I shall consider it proof conclusive that you are wrong and I am right."

12. TREATMENT OF NEGROES

Conditions of the Negroes after the Surrender

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., pp. 15, 31. Report of Carl Schurz to the President. [1865]

WHEN the war came to a close, the labor system of the south was already much disturbed. During the progress of military operations large numbers of slaves had left their masters and followed the columns of our armies; others had taken refuge in our camps; many thousands had enlisted in the service of the national government. Extensive settlements of negroes had been formed along the seaboard and the banks of the Mississippi, under the supervision of army officers and treasury agents, and the government was feeding the colored refugees, who could not be advantageously employed, in the so-called contraband camps. Many slaves had also been removed by their masters, as our armies penetrated the country, either to Texas or to the interior of Georgia and Alabama. Thus a considerable portion of the laboring force had been withdrawn from its former employments. But a majority of the slaves remained on the plantations to which they belonged, especially in those parts of the country which were not touched by the war, and where, consequently, the emancipation proclamation was not enforced by the military power. Although not ignorant of the stake they had in the result of the contest, the patient bondmen waited quietly for the development of things. But as soon as the struggle was finally decided, and our forces were scattered about in detachments to occupy the country, the so far unmoved masses began to stir. The report went among them that their liberation was no longer a mere contingency, but a fixed fact. Large numbers of colored people left the plantations; many flocked to our military posts and camps to obtain the certainty of their freedom, and others walked away merely for the purpose of leaving the place on which they had been held in slavery, and because they could now go with impunity. Still others, and their number was by no means inconsiderable, remained with their former masters and continued their work

on the field, but under new and as yet unsettled conditions, and under the agitating influence of a feeling of restlessness. In some localities, however, where our troops had not yet penetrated and where no military post was within reach, planters endeavored and partially succeeded in maintaining between themselves and the negroes the relation of master and slave partly by concealing from them the great changes that had taken place, and partly by terrorizing them into submission to their behests. But aside from these exceptions, the country found itself thrown into that confusion which is naturally inseparable from a change so great and so sudden. . .

The negro is constitutionally docile and eminently good-natured. Instances of the most touching attachment of freedmen to their old masters and mistresses have come to my notice. To a white man whom they believe to be sincerely their friend they cling with greater affection even than to one of their own race. By some northern speculators their confidence has been sadly abused. Nevertheless, the trust they place in persons coming from the north, or in any way connected with the government, is most childlike and unbounded. . . Those who enjoy their confidence enjoy also their affection. Centuries of slavery have not been sufficient to make them the enemies of the white race. If in the future a feeling of mutual hostility should develop itself between the races, it will probably not be the fault of those who have shown such an inexhaustible patience under the most adverse and trying circumstances. . .

A belief, conviction, or prejudice, or whatever you may call it, so widely spread and apparently so deeply rooted as this, that the negro will not work without physical compulsion, is certainly calculated to have a very serious influence upon the conduct of the people entertaining it. It naturally produced a desire to preserve slavery in its original form as much and as long as possible . . or to introduce into the new system that element of physical compulsion which would make the negro work. Efforts were, indeed, made to hold the negro in his old state of subjection, especially in such localities where

our miliary forces had not yet penetrated, or where the country was not garrisoned in detail. Here and there planters succeeded for a limited period to keep their former slaves in ignorance or at least doubt, about their new rights.

Treatment of Negroes in Texas

Senate Ex. Doc. no. 6, 39 Cong., 2 Sess., pp. 144, 156. Report of General J. B. Kiddoo, U. S. Army. [1866]

THE better class of planters, who were former slaveholders, are, as a general thing, disposed to deal fairly with them in the division of the crop, but there is a class of men, commonly known in the State as "adventurers," small planters, travelling speculators, country store-keepers . . swarming the planting regions like as many buzzards, seeking for prey. They endeavor to sell to the freedmen worthless jewelry, cheap clothing, and unsound horses. The country store-keepers sell them rope and bagging, often at enormous prices, and, in collusion with the small planters, take a lien on their portion of the crop, the freedmen having no money; this being their first year's labor for wages. Money is in some instances advanced for them to pay the tax on their cotton, which is required before it can go into market, and before it gets out of the hands of these men it is far spent. In many instances bills are presented against their portion of the crop for trifles, of such size as to almost absorb it; this, also, by collusion between the planters and small stores, and the natural presumption is that they divide the profits. . .

I consider it just to the better people of Texas to state that the outrages spoken of therein are usually committed by a class of individuals who never were slave owners, but were the negro's competitor in labor, and hence his enemy, and now particularly so, since the negro is free and approximates towards equality with them. It is the lower class of people that have most bitter and vulgar hatred of the negro. The more intelligent and liberal people consider the negro set free by the arbi-

trament of arms, and hence have no animosity towards him; while the other class hold him personally responsible, and treat him accordingly. . .

Those planters who feel kindly towards the negro, and accept his freedom as one of the results of the war, over which he had no immediate control, report to me that they work . . and better than could have been expected; that they work cheerfully; that they observe the new and anomalous relation under which they have been placed towards their former masters with a commendable propriety; that their good behavior is beyond all expectations; that they have not been carried away by exaggerated and impracticable ideas of their freedom, and that they would not re-enslave them if it were in their power. This latter I believe to be the unanimous sentiment of the State. No one wishes the negro re-enslaved and all rejoice at his freedom, but take some exceptions at the manner in which it was brought about. . . Although much has been accomplished this year in this State, yet it has taken much extra exertion. . . They are, as a class, perfect children, intellectually. They have hitherto had an owner and overseer to do their thinking for them, and now, when allowed to think, and act for themselves, are ill fit to exercise the distinguished prerogative. In their abject ignorance, they have been led to believe that their freedom means unrestraint — license to work as they please and do as they please, regardless of contracts or other legal obligations. In order that free labor may prove a success, the freedmen need to be taught the simplest lessons of practical life. They should be taught to depend upon their own personal exertions, and that the highest enjoyment of their freedom is through the means of labor, industry, diligence, frugality, and virtue. One of the greatest difficulties I have to contend with in the experiment of free labor is the want of patience on the part of the southern people. They are too ready, and almost eager, to pronounce it a failure. In their sudden liberation from slavery, the freed people are, I will admit, too often restless, shiftless, and suspicious of all restraint, but these characteristics . . are the result of their

former, rather than their present, relations, and only need kindness, patience, education, and good faith to overcome.

"East Tennesseeans do not like Niggers"

J. T. Trowbridge, *The South*, p. 239. [1865]

EAST Tennesseeans, though opposed to slavery and secession, do not like niggers. There is at this day more prejudice against color among the middle and poorer classes — the "Union" men, of the South, who owned few or no slaves — than among the planters who owned them by scores and hundreds. . . On reaching Nashville, I learned that the negro testimony bill had been defeated in the legislature by the members from East Tennessee.

Loyalists Oppose Negroes

Report of Joint Committee on Reconstruction, part 1, pp. 112, 117, 121. Statements of Freedmen's Bureau officials. [1866]

THE eastern portion of the State [Tennessee], where about three-fourths of all the loyal people of the State live, is in a peculiar condition in regard to politics. The Union people in my section, Middle Tennessee, consider it absolutely necessary for the good of the country that the negro should have his rights in court; and not only that, but that we should at least inaugurate the principle that those who have fought in the army should have the right to vote as well as those who pay taxes and those who can read and write. But our Union friends in the eastern portion of the State, as we understand it, almost to a man, although the best Union men in the land, are opposed to any such thing. . .

I have not been in favor of moving the military. I can tell you what an old citizen, a Union man, said to me. Said he, "I tell you what, if you take away the military from Tennessee, the buzzards can't eat up the niggers as fast as we'll kill 'em." I do not think it would be as bad as that; but I know there are plenty of bad men there who would maltreat the negro. . .

Tennessee is peculiar. In no other State do you find the same sort of opposition as in Tennessee. My duties within the last eight months, have called me through the five States of Kentucky, Tennessee, Alabama, Georgia, and Mississippi. I made an inspection tour through the three States below Tennessee, in addition to my own regular duties. It is a melancholy fact that among the bitterest opponents of the negro in Tennessee are the intensely radical loyalists of the mountain district — the men who have been in our armies. Take East Tennessee, for instance. The great opposition to the measure in the Tennessee legislature, giving the negro the right to testify and an equality before the law, has come from that section, chiefly. . . In Middle Tennessee and in West Tennessee the largest and the wealthiest planters of the old slaveholding population have more cordially co-operated with me in my duties than the people of East Tennessee.

Friends and Enemies of the Negroes

Senate Ex. Doc. no. 43, 39 Cong., 1 Sess., p. 15. Report of B. C. Truman to the President. [April 9, 1866]

ALMOST the only key that furnishes a satisfactory solution to the southern question, in its relations to the negro, that gives a reasonable explanation to the treatment which he receives and the estimation in which he is held, is found in the fact — too often forgotten in considering this matter — that the people from their earliest days have regarded slavery as his proper estate. . . That a vast majority of the southern people honestly entertain this opinion no one who travels among them for eight months can doubt. . .

Holding that the negro occupies a middle ground between the human race and the animal, they regard it as a real misfortune to him that he should be stripped of a protector, and that the immortal proclamation of President Lincoln was wicked, or at least mistaken, and a scourge to society. The persistency and honesty with which many, even of the greatest men of the south, hold to this opinion, is almost unaccountable

to a northern man, and is an element of such magnitude that it cannot well be omitted from the consideration.

From the surrender of the rebel armies up to the Christmas holidays, and more especially for a few weeks preceding the latter, there was a nervousness exhibited throughout the south, in relation to their late slaves. . . There were vague and terrible fears of a servile insurrection. . . In consequence of this there were extensive seizures of arms and ammunition, which the negroes had foolishly collected, and strict precautions were taken to avoid any outbreak. Pistols, old muskets, and shot guns were taken away from them as such weapons would be wrested from the hands of lunatics. Since the holidays, however, there has been a great improvement in this matter; many of the whites appear to be ashamed of their former distrust, and the negroes are seldom molested now in carrying the fire-arms of which they make such a vain display. In one way or another they have procured great numbers of old army muskets and revolvers, particularly in Texas, and I have in a few instances, been amused at the vigor and audacity with which they have employed them to protect themselves against the robbers and murderers that infest that State.

Another result of the above-mentioned settled belief in the negro's inferiority, and in the necessity that he should not be left to himself without a guardian, is that in some sections he is discouraged from leaving his old master. I have known of planters who considered it an offence against neighborhood courtesy for another to hire their old hands, and in two instances that were reported the disputants came to blows over the breach of etiquette. It is only, however, in the most remote regions, where our troops have seldom or never penetrated, that the negroes have not perfect liberty to rove where they choose. Even when the attempt is made to restrain them by a system of passes from their employers, or from police patrols, it is of little avail; for the negroes in their ignorance and darkness of understanding, are penetrated with a singularly strong conviction that they "are not free so long as they stay at the old place," and all last summer and fall they pretty thoroughly demonstrated their

freedom by changing their places of residence. . . In this general upheaval thousands of long-scattered families were joyously reunited. It is a strange fact, however, and one which I have abundantly established by the testimony of hundreds of the negroes themselves, that a large majority of them have finally returned voluntarily and settled down in the old cabins of their former quarters. The negro clings to old associations — it was only a temporary impulse of their new-found freedom to wander away from them; and at last they returned, generally wearied, hungry, and forlorn. . . When I was in Selma, Alabama, last fall, a constant stream of them, of all ages, and conditions, was pouring through that city on their way, as they always told me, to Mississippi or Tennessee. Many were transported free by our government, while many were on foot, trudging hopefully and painfully forward toward their old homes, from which they had been taken to escape our armies. . .

As to the personal treatment received by the negro at the hands of the southern people there is wide-spread misapprehension. It is not his former master, as a general thing, that is his worst enemy, but quite the contrary. I have talked earnestly with hundreds of the old slave-owners, and seen them move among their former "chattels," and I am not mistaken. The feeling with which a very large majority of them regard the negro is one of genuine commiseration, although it is not a sentiment much elevated above that with which they would look upon a suffering animal for which they have formed an attachment. Last summer the negroes, exulting in their new-found freedom, . . were gay, thoughtless, and improvident; and, as a consequence, when the winter came hundreds of them felt the pinchings of want, and many perished. . .

It is the former slave-owners who are the best friends the negro has in the south — those who, heretofore, have provided for his mere physical comfort, generally with sufficient means, though entirely neglecting his better nature, while it is the "poor whites" that are his enemies. It is from these he suffers most. In a state of slavery they hated him; and now that he is free, there is no striking abatement of this sentiment,

and the former master no longer feels called by the instinct of interest to extend that protection that he once did. On the streets, by the roadside, in his wretched hut, in the field of labor — everywhere, the inoffensive negro is exposed to their petty and contemptible persecutions; while, on the other hand, I have known instances where the respectable, substantial people of a community have united together to keep guard over a house in which the negroes were taking their amusements, and from which, a few nights before, they had been rudely driven by vagabonds, who found pleasure in their fright and suffering. I reiterate, that the former owners, as a class, are the negroes' best friends in the south, although many of this class will diligently strive to discourage the freedmen from any earnest efforts to promote their higher welfare. When one believes that a certain race of beings are incapable of advancement, he is very prone to withhold the means of that advancement. And it is in this form that a species of slavery will longest be perpetuated — it is in these strongholds that it will last die out. I am pretty sure that there is not a single negro in the whole south who is not receiving pay for his labor according to his own contract; but, as a general thing, the freedmen are encouraged to collect about the old mansion in their little quarters, labor for their former masters for set terms, receiving, besides their pay, food, quarters, and medical attendance, and thus continuing on in their former state of dependence. The cruelties of slavery, and all its outward forms, have entirely passed away; but, as might have been expected, glimmerings of its vassalage, its subserviency, and its helplessness, linger.

It is the result of my observation, also, not only that the planters, generally, are far better friends to the negro than the poor whites, but also better than a majority of northern men who go south to rent plantations. . . The northerner is practical, energetic, economical, and thrifty — the negro is slow, awkward, wasteful, and slovenly; he causes his new employer to lose his patience, and to seize hold and attempt to perform, himself, what he sees so badly executed. The southerner is accustomed to the ways of slaves from his youth up; hence

he is languidly and goodnaturedly indifferent; . . the northern employer is accustomed to see laborers who are vigorous and industrious; he knows the extent of a full day's labor, and he expects all to perform the amount; the southern man has always been compelled to employ two or three to do the work of one, and is more indulgent. It is the almost universal testimony of the negroes themselves, who have been under the supervision of both classes — and I have talked with many with a view to this point — that they prefer to labor for a southern employer. This is not by any means to be construed to mean that they desire to return to slavery . . but that, being once assured of their liberty to go and come at will, they generally return to the service of the southerner.

A Northern View of the Negro

Report of Joint Committee on Reconstruction, part III, p. 157. Statement of Gen. John Tarbell, U. S. Army. [1866]

It is also my impression that many people in the north very greatly overrate the present character and capacity of the plantation negro, as well as his capacity for future improvement. I think time will show that the most ardent in the north will be greatly disappointed in the improvement of these negroes, even under the most favorable circumstances. I wish also to add, judging from my travels in these three States, that these reports of outrages upon the colored people, of ill treatment of the northern settlers, are quite exceptional cases, and exaggerated, if not altogether false, and that all these statements in the newspapers of outrages upon the blacks and upon settlers from the north, I think, do the educated people of the south very great injustice. There are, no doubt, disloyal and disorderly persons in the south, but it is an entire mistake to apply these terms to a whole people. I would as soon travel alone, unarmed, through the south as through the north. The south I left is not at all the south I hear and read about in the north. From the sentiment I hear in the north, I would scarcely recognize the people I saw, and, except their politics, liked so well. I have entire faith that the better classes are friendly to the negroes,

and that through this feeling, and the laws of capital and labor, the relations of these classes will settle down together on terms equitable and just to both. I have also faith that when the north and south come to know each other better their relations will be all that could be desired.

After a Year of Freedom

Senate Ex. Doc. no. 6, 39 Cong., 2 Sess., p. 20. Report of Gen. Wager Swayne, Assistant Commissioner of the Freedmen's Bureau in Alabama. [1866]

The Rev. Dr. H. N. McTyeire who, with distinguished manliness, was always openly in favor of all schools for colored people, has helped us largely through the church of which he is now bishop. The employment of the bureau in this district [Alabama] to mould existing institutions which are permanent, rather than to displace such by a temporary antagonism of military power, is due to its original reception in a spirit of good will. Hon. Lewis E. Parsons, the provisional governor, was from first to last sincerely desirous for its usefulness, and its warm supporter in all measures of humanity. The present governor, Hon. R. M. Patton, his successor, has not varied from this course. No difficulty has occurred with either too decided for solution by strong friendship, and the records of the legislature and convention show that good results of this relation are not wanting. A growing kindliness between the races, an increasing fairness in the application of the laws, prospective changes of most useful tendency, and other indications of a hopeful future, may be attributed in part to the same cause.

So much for what is past and present. Of the future is required, for both refugees and freedmen, the utmost opportunity attainable for labor, and that legislation be no longer adverse to the poor. A system of State care for paupers, not confined to simple distribution of coarse food, and which can rigidly exclude whoever is not actually helpless; schools for both white and black in regular abundance; and secure and

quick repayment for their service rendered; these are the needs they have in common.

Their other needs are different. For freedmen work is plenty, and of such as they are used to, with ample compensation. With refugees, as the whites are called whom war has left in destitution, the case is sadly otherwise. "Remote, unfriended, melancholy, slow," the widow and the fatherless, the aged and infirm, are scattered through the "piney woods," almost beyond the reach of work, or schools, or help. They cling to their old homes, alike unwilling and unfit for the climate and the toil of the great planting districts; and are in utter, hopeless desolation. The problem of their wants so far has met with no solution save the possible development of manufactures. To bring them into small communities, subject them to the influence of emulation and of schools, and to afford light labor fitted for their strength, these are the wants to be supplied. Minerals of every kind and wood and water-power are abundant where they live, and to my mind no charity has half so rich a promise.

The freedman's wants have a more public nature; a lien upon the product of his labor for its dues, a fair apportionment of schools and other opportunities, and, above all, a stern accountability which he can soon enforce on those who shall abuse their office in the law, or shall ignore it; and for further benefit he may be left to cultivate the influence which comes from private life efficiently conducted. But these are part and parcel of that hold upon the laws which they have who help to make them. To give them this, as amply fit as many of them are, and many more becoming so, is duty, and humanity, and interest.

13. SOME TROUBLES AND DISAPPOINTMENTS OF FREEDOM

Fred Douglass on Freedom

Life and Times of Frederick Douglass, by Himself. Copyright 1886. Used by permission of De Wolfe, Fiske, and Co. [1865]

And yet the government had left the freedmen in a [bad] condition. . . It felt that it had done enough for him. It had made him free, and henceforth he must make his own way in the world. Yet he had none of the conditions of self-preservation or self-protection. He was free from the individual master, but the slave of society. He had neither money, property, nor friends. He was free from the old plantation, but he had nothing but the dusty road under his feet. He was free from the old quarter that once gave him shelter, but a slave to the rains of summer and to the frosts of winter. He was . . turned loose, naked, hungry, and destitute to the open sky.

Freedom a Disappointment

Montgomery Advertiser. [August 13, 1865]

Nine hundred of [the negroes] assembled [near Mobile] to consider their condition, their rights and duties under the new state of existence upon which they have been so suddenly launched. Our informant was surprised at the hard, practical sense and moderation of tone with which the spokesmen of the meeting urged their views. After long talk and careful deliberation, this meeting resolved, by a vote of seven hundred voices to two hundred, that they had made a practical trial for three months of the freedom which the war had bequeathed to them; that its realities were far from being so flattering as their imagination had painted it. That they had discovered that the prejudices of color were by no means confined to the people of the South, but, on the contrary, that it was stronger and more marked against them in the strangers from the North, than in the home people of the South, . . that negroes no more than white men, can live without work, or be com-

fortable without homes; that their northern deliverers from bondage had not, as they had expected and been taught to expect, undertaken to provide for their happy existence in their new state of freedom, and that their old masters had ceased to take any interest in them or have a care for them; and finally, that their "last state was worse than the first," and it was their deliberate conclusion that their true happiness and well-being required them to return to the homes which they had abandoned in a moment of excitement, and go to work again under their old masters. And so the resolutions were passed, and at last accounts the wanderers were picking up their little stock of movable goods, preparatory to the execution of their sensible purposes.

Fear of Negro Insurrection

Annual Cyclopedia, 1865, p. 627. [1865]

MR. FEREBEE [of North Carolina] . . said that in his county the white citizens had all been deprived of arms, while the negroes were almost all of them armed by some means or other. It was a fact that nearly every negro was supplied with arms, and there was a general feeling of insecurity on the part of the whites. There had been rumors of anticipated trouble in some of the counties at the commencement of next year. He did not know how well grounded the fears might be, but there certainly was much apprehension among the white citizens, especially among the female portion, of coming danger.

Gen. Dockery . . stated that in his county the white residents had been disarmed, and were at present almost destitute of means to protect themselves against robbery and outrage.

Disorderly Blacks

National Intelligencer, January 6, 1866. Georgia correspondence. [1866]

THE Christmas holidays have happily passed over without any such organized outbreak on the part of the black population

as was at one time very seriously feared, though there have been no few individual cases of crime; some of very peculiar atrocity. . . About the same time, in this city, a gang of negro troops assaulted a house occupied by some Irishmen, who stood stoutly on the defense, and nothing but the interposition of a strong guard prevented the quarrel being [brought] to a bloody conclusion. . . Some weeks after these occurrences a very aggravated outrage . . was attempted by another crew of negro soldiers, aided by some debauched country blacks. . . An attack [was made] upon the house of a widow lady, near the city, who at the time had several young ladies staying with her. . . Two young gentlemen . . kept the mob some time at bay, killing four and mortally wounding two, though, in the end, they were reduced to the greatest extremities, and would beyond doubt have been murdered, and their helpless female charges delivered over to brutality, had it not been for the timely arrival of an officer with troops. From twenty-five to thirty negroes, the soldiers who instigated and led on the assault being about half that number, were engaged in this affair, and all surviving were arrested, though, to speak plainly, it is not believed they will be at all adequately punished. Some month or so since, it will be remembered, a very worthy physician in a neighboring county was murdered, and his assassin, who avowed openly the crime, arrested and consigned to the jail in this city. It is now charged by a paper here, and no denial has been made apparent, that this negro was lately released from confinement, and seen upon the streets at liberty. *Per contra,* there are now in the same jail two young white men charged before and convicted by a court-martial of having killed a negro woman in the interior part of the State. Lying under sentence of death, these men were yesterday to have been hanged but a reprieve has been obtained to lay a new testimony before the President. . . It is undeniable that the severity, and perhaps a just severity, in the case of white men is thought to very illy contrast with the lenity shown to blacks. This impression of a very gross injustice is deeply rooted here, and as, in various ways, Augusta largely gives the tone to the State, it may safely be said that

that impression is the greatest obstacle here existing to a hearty and very general support of the federal Executive.

The Condition of the Blacks in 1866

Transactions of Alabama Historical Society, vol. iv. Letters of William F. Samford. [1866]

HERE, in a mile of me, is a negro woman dying, who says an old African hag put a snake in her four years ago, and the Obi doctor has gone to deliver her. "Civilization" is "marching two steps backwards" like the truant boy went to school, "to one forward" in our "Africa" down here. The negroes here spend their time going to "funerals," religious howlings, promiscuous sexual intercourse, thieving and "conjuring." At their "funerals" they bellow like cattle when one of their number is slaughtered. .

Emancipation is a fact. I have sworn to support it, and I shall keep my oath. Sambo is a freeman by force of presidential proclamation. But it is not unlawful to see certain evils of emancipation which call for the active interposition of the philanthropists. Sambo will flog his child unmercifully, and Sally will neglect it in sickness, and so between paternal action and maternal non-action little Cuffy has a "hard road to travel" for twenty-one years of his infancy — a terrible preparatory training for the bliss of being "free to starve."

The stupendous wrong and folly consists in taking a poor, ignorant, childlike race from under the fostering care of a patriarchal government and withdrawing from it the protection of interest. . .

The Christmas holidays here are cold, rainy, cheerless. The heart of the South is beginning to sink in despair. The streets are full of negroes, who refuse to make contracts to labor the next year. The short crop of 1866 causes much dissatisfaction. They will not engage to work for anything but wages, and few are able to pay wages. They are penniless but resolute in their demands. They expect to see all the land divided out equally between them and their old masters, in time to make the next crop. One of the most intelligent black men I

know told me this day that in a neighboring village where several hundred negroes were congregated, he does not think that as many as three made contracts, although the planters are urgent in their solicitations, and offering the highest prices for labor they can possibly afford to pay. The same man informed me that the impression widely prevails that Congress is about to divide out the lands, and that this impression is given out by Federal soldiers at the nearest military station. It cannot be disguised that in spite of the most earnest efforts of their old master to conciliate and satisfy them, the estrangement between the races increases in its extent and bitterness. Nearly all the negro men are armed with repeaters and many of them carry them openly, day and night. The status is most unsatisfactory, and really full of just apprehensions of the direst results. The negro children are growing up in ignorance and vice. The older ones, men and women, abandon themselves to dissipation of the lowest sort. Their schools, "so-called," are simply a farce.

Increased Mortality among the Negroes

Robert Somers, *Southern States*, p. 52. [1869]

OF the 453 whites who died, [Charleston, South Carolina, 1870], 181 were children of 5 years and under; and of the 918 blacks who died, 461 were children of 5 years and under — the mortality of infants among the colored people being proportionately much greater than among the whites. . . But the remarkable fact is the greatly larger mortality of the negroes, in proportion to their total number, as compared with the white people. . . The mortality of 1869 shows one death in 44.93 whites, and one death in 26.77 coloured people. In other words, nearly twice as many coloured people died as white people in proportion to their respective numbers. . . The mortality of whites in the year 1860 was 719, or one in 37.5, and the mortality of the coloured people 753 or one in 28.47. The health of the whites has greatly improved since the war, while the health of the negroes has declined, till the

mortality of the coloured population, greater than the mortality of the whites before the war, has now become so markedly greater, that nearly two coloured die for every one white person out of equal numbers of each. To those accustomed to think of slavery only as prolific of every form of evil, this increased mortality of the negroes under emancipation may appear surprising.

14. CONSIDERATION OF NEGRO SUFFRAGE

A Former Slaveholder's View of Negro Suffrage

Whitelaw Reid, *After the War*, p. 288. [1865]

A BROTHER of General Wade Hampton, the South Carolina Hotspur, was on board. He saw no great objection to negro suffrage, so far as the whites were concerned; and for himself, South Carolinian and Secessionist though he was, he was quite willing to accept it. He only dreaded its effect on the blacks themselves. Hitherto they had, in the main, been modest and respectful, and mere freedom was not likely to spoil them. But the deference to them likely to be shown by partisans eager for their votes would have a tendency to uplift and unbalance them. Beyond this, no harm would be done the South by negro suffrage. The old owners would cast the votes of their people almost as absolutely and securely as they cast their own. If Northern men expected in this way to build up a Northern party in the South, they were gravely mistaken. They would only be multiplying the power of the old and natural leaders of Southern politics by giving every vote to a former slave. Heretofore such men had served their masters only in the fields; now they would do no less faithful service at the polls. If the North could stand it, the South could. For himself, he should make no special objection to negro suffrage as one of the terms of reorganization, and if it came, he did not think the South would have much cause to regret it.

The Ballot Necessary for the Negro

Senate Ex. Doc. no 2, 39 Cong., 1 Sess., p. 42. Carl Schurz to President Johnson. [1865]

THE interference of the national authority in the home concerns of the southern States would be rendered less necessary, and the whole problem of political and social reconstruction be much simplified, if, while the masses lately arrayed against the government are permitted to vote, the large majority of those

who were always loyal . . were not excluded from all influence upon legislation. In all questions concerning the Union, the national debt, and the future social organization of the south, the feelings of the colored man are naturally in sympathy with the views and aims of the national government. While the southern whites fought against the Union, the negro did all he could to aid it; while the southern white sees in the national government his conqueror, the negro sees in it his protector; while the white owes to the national debt his defeat, the negro owes to it his deliverance; while the white considers himself robbed and ruined by the emancipation of the slaves, the negro finds in it the assurance of future prosperity and happiness. In all the important issues the negro would be led by natural impulse to forward the ends of the government, and by making his influence, as part of the voting body, tell upon the legislation of the States, render the interference of the national authority unnecessary.

As the most difficult of the pending questions are intimately connected with the status of the negro in southern society, it is obvious that a correct solution can be more easily obtained if he has a voice in the matter. In the right to vote we would find the best permanent protection against oppressive class-legislation, as well as against individual persecution. . . It is a notorious fact that the rights of a man of some political power are far less exposed to violation than those of one who is, in matter of public interest, completely subject to the will of others. A voter is a man of influence; small as that influence may be in the single individual, it becomes larger when the individual belongs to a numerous class of voters. . . Such an individual is an object of interest to the political parties that desire to have the benefit of his ballot. . . The first trials ought certainly to be made while the national power is still there to prevent or repress disturbances; but the practice once successfully inaugurated under the protection of that power, it would probably be more apt than anything else to obliterate old antagonisms. . .

The effect of the extension of the franchise to the colored people upon the development of free labor and upon the

security of human rights in the south being the principal object in view, the objections raised on the ground of the ignorance of the freedmen become unimportant. Practical liberty is a good school. . . It is idle to say that it will be time to speak of negro suffrage when the whole colored race will be educated, for the ballot may be necessary to him to secure his education.

It has been asserted that the negro would be a voting machine in the hand of his employer. . . I have heard it said in the south that the freedmen are more likely to be influenced by their schoolmasters and preachers. But even if we suppose the employer to control to a certain extent the negro laborer's vote, two things are to be taken into consideration: 1. The class of employers, of landed proprieties, will in a few years be very different from what it was heretofore in consequence of the general breaking up, a great many of the old slaveholders will be obliged to give up their lands and new men will step into their places; and 2. The employer will hardly control the vote of the negro laborer so far as to make him vote against his own liberty. The beneficial effect of an extension of suffrage does not always depend upon the intelligence with which the newly admitted voters exercise their right. . . The circumstances in which the freedmen of the south are placed are such that, when they only vote for their own liberty and rights, they vote for the rights of free labor, for the success of an immediate important reform, for the prosperity of the country, and for the general interests of mankind. If, therefore, in order to control the colored vote, the employer . . is first obliged to concede to the freedman the great point of his own rights as a man and a free laborer, the great social reform is completed, the most difficult problem is solved. . .

I deem it proper, however, to offer a few remarks on the assertion frequently put forth, that the franchise is likely to be extended to the colored man by the voluntary action of the southern whites themselves. My observation leads me to a contrary opinion. Aside from a very few enlightened men, I found but one class of people in favor of the enfranchisement of the blacks: it was the class of Unionists who found them-

selves politically ostracised and looked upon the enfranchisement of the loyal negroes as the salvation of the whole loyal element. . . The masses are strongly opposed to colored suffrage, and anybody that dares to advocate it is stigmatized as a dangerous fanatic. . .

The only manner in which, in my opinion, the southern people can be induced to grant to the freedmen some measure of self-protecting power in the form of suffrage, is to make it a condition precedent to "readmission."

Negro Suffrage Will Come

Senate Ex. Doc. no. 43, 39 Cong., 1 Sess. Report of B. C. Truman to the President. [April 9, 1866]

So general and so bitter is the opposition of the whites to this measure, that I am fully persuaded that to confer suffrage forcibly, by national enactment, upon the blacks at this time, would result to their serious detriment. I do not believe it would beget a war of races, but, from the manner in which negro schools and other similar institutions have been treated in some sections by ignorant and malicious persons, I am constrained to believe that the negro would be the recipient of more wrongs and injuries than he now is if he was found at the polls voting. It is the truth of history that, when classes of population are opposed in feeling and unequal in power and influence, the dominating class is oppressive and intolerant toward the inferior in reverse proportion as it is elevated above it. The southern poor whites, conscious as they are of only a slight superiority over the negro, and knowing that the suffrage and a few minor factitious distinctions are the chief points of their superiority, are jealous over them accordingly. It is they that will resist most stubbornly the negroes' enfranchisement, as it will remove the most marked of the few slight barriers that separate them from the blacks, and it is they that will hail his advent to the polls with the most unrelenting and senseless abuse.

The proper avenues of approach to these unreasoning minds is through the wealthy and powerful landowners of the south

— the politicians — who are lords and masters over the peasantry to almost as great an extent as they are over the negroes. . . If the politicians of the south have the absolute certainty laid before them that in 1870 their representation in Congress will be diminished largely in consequence of the non-enfranchisement of the negro, they will see to it before that time that the proper reform is introduced. They will convince their constituents that it is necessary and proper to allow the negro to vote, and he will be allowed so to do. At present it seems to me that it would be a misfortune to the negro himself to thrust this privilege upon him. .

The southern negro is far less concerned in the result of elections, at present, than he is in the decisions of the local courts, and far less interested in these than in the general temper of society. The negro always has been and always must remain associated with the people of the south in a thousand intimate relations — relations over which legislation can have little control. . . Even before the courts of the country I have little fear but that he will secure substantial justice. These courts are generally in the hands of the more intelligent and reasonable classes, among whom there is a sentiment of real pity towards the negro, as being now left to contend on his own resources against the stronger white man. Legislatures and common councils may frame mean-spirited and discriminating laws against him, but when he is brought to actual trial, and his helplessness is made apparent, the practice of his jurors, his judges, and his lawyers is much better than their professions. Especially is it true when the suit is, as it often happens, between a negro and a mean white. The old slave-owners always felt a preference for their negroes over this class, and even had a positive dislike towards the latter, and they entertain the same feelings still; and let a suit be brought between one of them and a respectable negro, and I have no fear for the result on the part of the negro. . .

As an evidence of the most encouraging growth of public sentiment in the south, conforming to the great onward march of events, I may mention the advance that has taken place in

relation to the question of negro testimony. Eight months ago, when I first went south, the subject was one that scarcely engaged the serious attention of public men, much less their favorable consideration; but when the Texas convention, the last in the south, and only very recently assembled, came together, so much had popular sentiment advanced on this subject that only eight members of that body offered any opposition to a measure proposing to allow the negro to testify in cases of his own concern, and nearly one-half the delegates favored giving him the most unrestricted right. A tremendous struggle was made over this last point — a struggle not for partial rights, but for universal privileges. The opponents of the measure strongly argued that if the negro was admitted to testify in all cases in which he or any of his race might be interested, his own rights were secured beyond peradventure, and he was legally placed on a better foundation than the white man, which is true; since, in Texas, a colored man can now subpoena witnesses both from whites and blacks, while a white man can summon only those of his own color. I know of no state among all that I visited in which either the constitution or statutes do not authorize the negro to testify in all cases in which he or any of his race may be interested.

"Loyalist" Opposition to Negro Suffrage

Report of Joint Committee on Reconstruction, part iii, p. 62. Testimony of M. J. Saffold, later a reconstructionist. Most "loyalists" opposed negro suffrage. [1866]

If you compel us to carry through universal suffrage of colored men over twenty-one years of age, . . it will prove quite an incubus upon us in the organization of a national Union party of white men there; it will furnish our opponents with a very effective weapon of warfare against us; at the same time, I want it understood that I have no prejudice whatever against qualified negro suffrage. I think the government of the United States is committed, by all its past legislation, to the policy of exercising some restriction upon the right of universal suffrage. Foreigners have not been permitted to vote until after a certain

term of residence in this country; minors have not been permitted to vote until arriving at a certain age. If the United States Government, then, recognizes the fact that some restrictions are necessary and proper, it would seem to me that in an immense mass of colored people, who have just now had the chains stricken from them, who have been kept down under an institution, one feature of which has been founded in a belief that ignorance added to their value as slaves, it would not be wise or proper to enfranchise the whole of them now.

The Negroes as Citizens

Report of Joint Committee on Reconstruction, part iv, p. 149. Testimony of Stephen Powers, traveling correspondent of the Cincinnati *Commercial*. [1866]

Nine-tenths of the plantation negroes are living in a state of brutish ignorance, and have very little comprehension of the issues of this war, beyond the mere fact that they were set at liberty and were set free. The house servants, the hotel waiters, and the residents of the cities are much more intelligent, and in many cases have exhibited a very commendable degree of information in regard to the issues of the war. . . Four-fifths of the negroes in the south have no just comprehension of the franchises and privileges of a free citizen. But there has been much improvement in that respect since the Christmas holidays. I think I have never known of any more complete industrial and social revolution than was accomplished during those holidays. Up to that time the negroes had been thriftless, gay, improvident, and relying on what they confidently expected, the division of their old master's property at that time. They were, however, sorely disappointed, and for a time were discouraged and desponding. But they very soon recovered, however, in consequence of their natural buoyancy, and have applied themselves to work for themselves and their families with a great degree of industry. They have by this time a pretty thorough understanding that it is necessary for them to provide for themselves, and they are setting about in a rude, ignorant way, which is all that could have been expected of them.

As for the right of suffrage, and in many cases the right to testify in courts, they have the most vague and shadowy ideas. I conversed with many of them, particularly the plantation negroes, about the right of suffrage, and I found them afraid to speak of it, as though it was something that was not to be meddled with by them. The common remark among them was, that they did know anything about it, that "massa had never said anything to them about it." If they were led to the polls, I think the act of voting with them would be a merely physical act, and that it would be accomplished with very little appreciation.

II

PLANS, THEORIES, AND PROBLEMS OF RECONSTRUCTION

II

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INTRODUCTION

FROM the very beginning of the Civil War the question of Reconstruction was discussed by the northern political leaders. Yet the end of the War found them far from any agreement as to the proper mode of restoring the Union. Discussion had simply made clear some of the problems which were to be solved and afforded opportunity for the exposition of various plans for getting the South back into its former relations to the Union. Some of these problems were practical; some theoretical — all were of grave importance. Many of them arose out of the fact that our system of government is based on a written constitution to which all legislation is supposed to conform. Hence the leaders were puzzled by numerous questions of constitutional theory. What was a state? What were State Rights and what was the effect of war upon them? Were the states in or out of the Union, United States territories or conquered provinces? Could the states be punished for secession? Were the Southern people conquered foreigners or conquered rebels? Had they any rights under the Constitution or according to the laws of nations? What rights had Southern Unionists? What punishment should be inflicted and how could it be done legally? What was the status of slavery and of the negroes? Was the negro to be looked after by the states or by the United States? What rights had he? What should be the leading force in Reconstruction — Congress, or the Executive, or the Southern communi-

ties? Was the "Union as it was" under the old constitution to be restored, or had the war developed a new and stronger one? These were some of the problems and they were no nearer a solution in 1865 than in 1861.

Of the various plans and theories of Reconstruction the most important were: (1) The Presidential and Democratic theories as illustrated in the Crittenden-Johnson Resolutions of 1861, the speeches of the War Democrats, and the statements and acts of Presidents Lincoln and Johnson; (2) The State Suicide theory of Charles Sumner; (3) The Conquered Province theory of Thaddeus Stevens; (4) The Wade-Davis plan; (5) The so-called Southern Plan, as outlined in the Sherman-Johnston convention; and (6) The Forfeited Rights theory finally adopted by Congress. Other plans were suggested by prominent northern men such as Governor Andrew of Massachusetts and by southerners like Howell Cobb and Herschel V. Johnson. The leading negroes, the abolitionists, and the Unionists of the South, all had suggestions to offer and demands to make. Nearly all of the plans proposed had in them a large proportion of constitutional theory and each showed a certain disregard of actual conditions in the section that was to be reorganized. The theoretical problems and the controversies that arose out of them, rather than the practical problems, were responsible for the long delay in Reconstruction and for many of the mistakes and failures that were made.

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1. LINCOLN'S PLANS AND SUGGESTIONS

Nullity of Secession

J. D. Richardson, *Messages and Papers of the Presidents*, vol. vi, p. 7. From Lincoln's inaugural address. [March 4, 1861]

No State upon its mere motion can lawfully get out of the Union; *resolves* and *ordinances* to that effect are legally void. . . In view of the Constitution and the laws the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself especially enjoins upon me, that the laws of the Union be faithfully executed in all the States.

Amnesty Proclamation of 1863

Richardson, *Messages and Papers*, vol. vi, p. 213. [December 8, 1863]

Whereas in and by the Constitution of the United States it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" and

Whereas a rebellion now exists whereby the loyal State Governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas the Congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and

Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and to reinaugurate loyal State governments within and for their respective States: Therefore —

I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to-wit:—

"I, ———— ————, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the supreme court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the supreme court. So help me God."

The persons excepted from the foregoing provisions are all who are, or shall have been, military or naval officers of said so-called Confederate Government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States

and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known that whenever, in any of the states of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such state at the presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the state existing immediately before the so-called act of secession, and excluding all others, shall re-establish a state government which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the state, and the state shall receive thereunder the benefits of the constitutional provision which declares that "the United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or the executive, (when the legislature cannot be convened), against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of such state, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.

And it is suggested as not improper that, in constructing a loyal state government in any state, the name of the state, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions here-

inbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new state government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to state governments, has no reference to states wherein loyal state governments have all the while been maintained. And, for the same reason, it may be proper to further say, that whether members sent to Congress from any state shall be admitted to seats constitutionally rests exclusively with the respective houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the states wherein the national authority has been suspended, and loyal state governments have been subverted, a mode in and by which the national authority and loyal state governments may be re-established within said states, or in any of them; and while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Lincoln Suggests Negro Suffrage

Nicolay and Hay, *Lincoln's Complete Works*, vol. 11, p. 496. Letter to Governor Hahn of Louisiana. Used by permission of the Century Company. [March 13, 1864]

Now you are about to have a convention, which, . . will probably define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty within the family of freedom. But this is only a suggestion, not to the public, but to you alone.

Proclamation on the Wade-Davis Bill

Richardson, *Messages and Papers*, vol. vi, p. 223. [July 8, 1864]

AND whereas the said bill contains, among other things, a plan for restoring the states in rebellion to their proper practical

relations in the Union, which plan expresses the sense of congress upon that subject, and which plan it is now thought fit to lay before the people for their consideration:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known, that, while I am (as I was in December last, when by proclamation I propounded a plan for restoration) unprepared by a formal approval of this bill, to be inflexibly committed to any single plan of restoration; and while I am also unprepared to declare that the free state constitutions and governments already adopted and installed in Arkansas and Louisiana shall be set aside and held for nought, thereby repelling and discouraging the loyal citizens who have set up the same as to further effort, or to declare a constitutional competency in congress to abolish slavery in states, but am at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted, nevertheless I am fully satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any state choosing to adopt it, and that I am, and at all times shall be, prepared to give the executive aid and assistance to any such people, so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the constitution and the laws of the United States, in which cases military governors will be appointed, with directions to proceed according to the bill.[1]

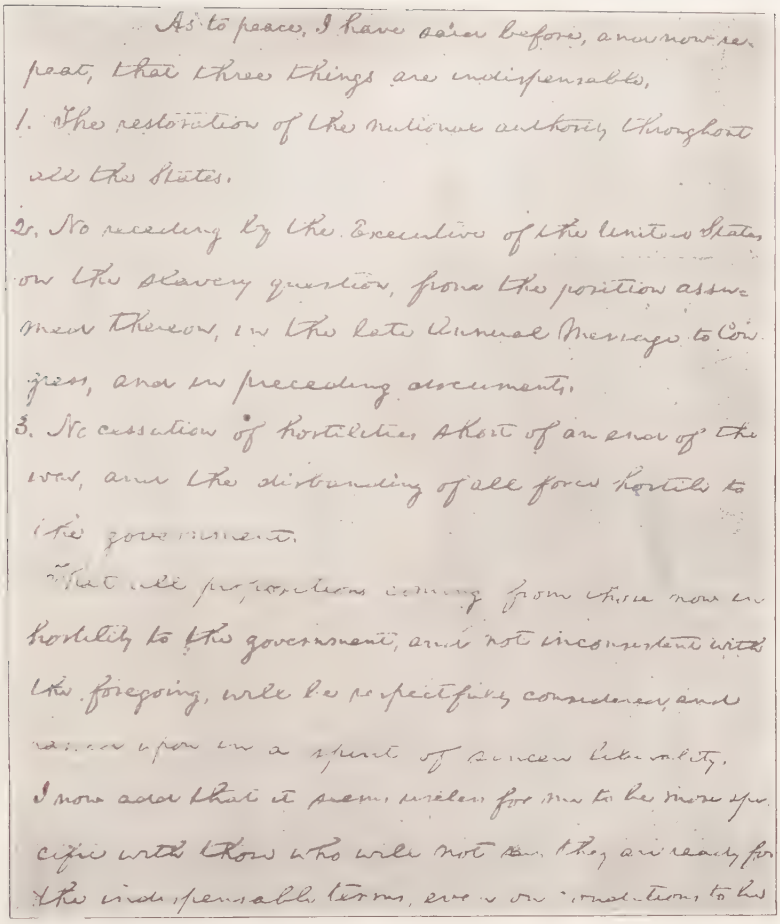
Memorandum of Conditions of Peace

Johnson MSS. Unsigned paper given by Lincoln while in Richmond to J. A. Campbell, late Confederate Assistant Secretary of War. [April 5, 1865]

As to peace, I have said before, and now repeat, that three things are indispensable.

1. The restoration of the national authority, throughout all the States.

1. For the bill see page 118



As to peace, I have said before, and now repeat, that three things are indispensable,

1. The restoration of the National authority throughout all the States.

2. No receding by the Executive of the United States on the slavery question, from the position assumed thereon, in the late Annual Message to Congress, and in preceding documents.

3. No cessation of hostilities short of an end of the war, and the disbanding of all forces hostile to the government.

That all propositions coming from those now in hostility to the government, and not inconsistent with the foregoing, will be respectfully considered, and passed upon in a spirit of sincere liberality.

I now add that it seems useless for me to be more specific with those who will not say they are ready for the indispensable terms, even on conditions to be

LINCOLN'S CONDITIONS OF PEACE; UNSIGNED MEMORANDUM GIVEN TO J. A. CAMPBELL, CONFEDERATE ASSISTANT SECRETARY OF WAR, APRIL 5, 1865

[*Facsimile of original MS. in Library of Congress*]

2. No receding by the Executive of the United States on the slavery question, from the position assumed thereon, in the late Annual Message to Congress, and in preceding documents.

3. No cessation of hostilities short of an end of the war, and the disbanding of all force hostile to the government.

That all propositions coming from those now in hostility to the government, and not inconsistent with the foregoing, will be respectfully considered, and passed upon in a spirit of sincere liberality.

I now add that it seems useless for me to be more specific with those who will not say they are ready for the indispensable terms, even on conditions to be named by themselves. If there be any who are ready for those indispensable terms, on any conditions whatever, let them say so, and state their conditions, so that such conditions can be distinctly known, and considered. It is further added that, the remission of confiscations being within the executive power, if the war be now further persisted in, by those opposing the government, the making of confiscated property at the least to bear the additional cost, will be insisted on; but that confiscations (except in cases of third party intervening interests) will be remitted to the people of any State which shall now promptly, and in good faith, withdraw its troops and other support, from further resistance to the government.

What is now said as to remission of confiscations has no reference to supposed property in slaves.

"A Merely Pernicious Abstraction"

Nicolay and Hay, *Complete Works of Lincoln*, vol. ii, p. 672. From Lincoln's last speech. Used by permission of the Century Company. [April 11, 1865]

IN the annual message of December, 1863, and in the accompanying proclamation, I presented a plan of reconstruction (as the phrase goes), which I promised, if adopted by any State, should be acceptable to and sustained by the executive government of the nation. I distinctly stated that this was not the only plan which might possibly be acceptable, and I also distinctly protested that the executive claimed no right to say when or whether members should be admitted to seats in Congress from such States. This plan was, in advance, submitted to the then Cabinet, and distinctly approved by every member of it. . .

[Regret has been expressed] that my mind has not seemed to be definitely fixed on the question whether the seceded States, so called, are in the Union or out of it. . . I have purposely forborne any public expression upon it. As it appears to me, that question has not been, nor yet is, a practically material one, and that any discussion of it while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet . . that question is bad as a basis of controversy, and good for nothing at all — a merely pernicious abstraction.

We all agree that the seceded States, so called, are out of their proper practical relation with the Union, and that the sole object of the Government, civil and military, in regard to those States is to again get them into that proper practical relation. I believe that it is not only possible, but in fact easier, to do this without deciding or even considering whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restore the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it.

So great peculiarities pertain to each State, and such important and sudden changes occur in the same State, and withal so new and unprecedented is the whole case, that no exclusive and inflexible plan can safely be prescribed as to details and collaterals. Such an exclusive and inflexible plan would surely become a new entanglement.

2. JOHNSON'S OPINIONS AND THEORIES

"Treason Must be Made Odious"

E. McPherson, *Political History of Reconstruction*, p. 46. From a speech made by Johnson in Nashville. [June 9, 1864]

TRAITORS should take a back seat in the work of restoration. If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of re-organization and reformation absolutely. I say that the traitor has ceased to be a citizen, and in joining the rebellion has become a public enemy. He forfeited his right to vote with loyal men when he renounced his citizenship and sought to destroy our Government. . . If we are so cautious about foreigners, who voluntarily renounce their homes to live with us what should we say to the traitor, who, although born and reared among us, has raised a parricidal hand against the Government which always protected him? My judgment is that he should be subjected to a severe ordeal before he is restored to citizenship. . . Treason must be made odious, and traitors must be punished and impoverished. Their great plantations must be seized, and divided into small farms, and sold to honest, industrious men.

The States not Destroyed

Annual Cyclopedia, 1865, p. 801. Speech to a delegation from Indiana. [April 21, 1865]

UPON this idea of destroying States my position has been heretofore well known, and I see no cause to change it now. . . Some are satisfied with the idea that States are to be lost in territorial and other divisions — are to lose their character as States. But their life-breath has only been suspended, and it is a high constitutional obligation we have to secure each of these States in the possession and enjoyment of a republican form of Government. A State may be in the Government with a peculiar institution, and by the operation of a rebellion lose that feature. But it was a State when it went into a rebellion, and when it comes out without the institution it is still a State.

Functions of the States Suspended

Richardson, *Messages and Papers*, vol. vi, p. 367. From Message to Congress. Professor William A. Dunning has recently shown that this message was written by George Bancroft, the historian. See *American Historical Review*, April, 1906. [December 4, 1865]

THE true theory is that all pretended acts of secession were from the beginning null and void. The States can not commit treason nor screen the individual citizens who may have committed treason any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed.

Danger in Negro Suffrage

McPherson, *History of Reconstruction*, p. 49. An interview with G. L. Stearns. [October 3, 1865]

IT would not do to let the negro have universal suffrage now; it would breed a war of races. There was a time in the Southern States when the slaves of large owners looked down upon non-slave owners because they did not own slaves; . . this has produced hostility between the mass of the whites and the negroes. The outrages are mostly from non-slave holding whites against the negro, and from the negro upon the non-slaveholding whites. The negro will vote with the late master, whom he does not hate, rather than with the non-slaveholding white, whom he does hate. Universal suffrage will create another war, not against us, but a war of races.

The Crittenden Resolutions

Congressional Globe, July 22, 1861. These resolutions adopted by the House of Representatives were introduced by Crittenden of Kentucky. Three days later Andrew Johnson of Tennessee introduced almost identical resolutions in the Senate. In both houses they were adopted by large majorities. [July 22, 1861]

Resolved, . . That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against the constitutional government, and in arms around the capital; that in this national emergency, Congress, banishing all feelings of mere passion or resentment, will collect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

The Wade-Davis Plan

Richardson, *Messages and Papers*, vol. vi, p. 223. This bill was sent to the President on July 2, 1864, but he withheld his approval and it failed to become a law. On July 8, after the adjournment of Congress, he issued a proclamation regarding reconstruction in which he offered to recognize any reconstruction that might be done in accord with the provisions of the Wade-Davis bill. [July 2, 1864]

Be it enacted, . . That in the States declared in rebellion against the United States the President shall, by and with the advice and consent of the Senate, appoint for each a provisional governor, whose pay and emoluments shall not exceed that of a brigadier-general of volunteers, who shall be charged with the civil administration of such States until a State government therein shall be recognized as hereinafter provided.

Sec. 2. . . So soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have returned sufficiently to their obedience to the Constitution and the laws of the United States the provisional governor shall direct the marshal of the United States, as speedily as may be, to name a sufficient number of deputies, and to enroll all white male citizens of the United States resident in the State in their respective counties, and to request each one to take the oath to support the Constitution of the United States, and in his enrollment to designate those who take and those who refuse to take that oath, which rolls shall be forthwith returned to the provisional governor; and if the persons taking that oath shall amount to a majority of the persons enrolled in the State, he shall, by proclamation, invite the loyal people of the State to elect delegates to a convention charged to declare the will of the people of the State relative to the reëstablishment of a State government, subject to and in conformity with the Constitution of the United States.

Sec. 3. . . The convention shall consist of as many members as both houses of the last constitutional State legislature, apportioned by the provisional governor among the counties, parishes or districts of the State, in proportion to the white population returned as electors by the marshal in compliance with the provisions of this act. The provisional governor shall, by proclamation, declare the number of delegates to be elected by each county, parish, or election district; name a day of election not less than thirty days thereafter; designate the places of voting in each county, parish, or district, conforming as nearly as may be convenient to the places used in the State elections next preceding the rebellion; appoint one or more commissioners to hold the election at each place of voting, and provide an adequate force to keep the peace during the election.

Sec. 4. . . The delegates shall be elected by the loyal white male citizens of the United States of the age of 21 years, and resident at the time in the county, parish, or district in which they shall offer to vote, and enrolled as aforesaid, or absent

in the military service of the United States, and who shall take and subscribe the oath of allegiance to the United States in the form contained in the Act of Congress of July 2nd, 1862; and all such citizens of the United States who are in the military service of the United States shall vote at the headquarters of their respective commands, under such regulations as may be prescribed by the provisional governor for the taking and return of their votes; but no person who has held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States, shall vote or be eligible to be elected as delegate at such election.

Sec. 5. . . The said commissioners, or either of them, shall hold the election in conformity with this act, and, so far as may be consistent therewith, shall proceed in the manner used in the State prior to the rebellion. The oath of allegiance shall be taken and subscribed on the poll book by every voter in the form above prescribed, but every person known by or proved to the commissioners to have held any office, civil or military, State or Confederate, under the rebel usurpation, or to have voluntarily borne arms against the United States, shall be excluded though he offer to take the oath; and in case any person who shall have borne arms against the United States shall offer to vote, he shall be deemed to have borne arms voluntarily unless he can prove the contrary by the testimony of a qualified voter. The poll book, showing the name and oath of each voter, shall be returned to the provisional governor by the commissioners of election, or the one acting, and the provisional governor shall canvass such returns and declare the person having the highest number of votes elected.

Sec. 6. . . The provisional governor shall, by proclamation, convene the delegates elected as aforesaid at the capital of the State on a day not more than three months after the election, giving at least thirty days' notice of such day. In case the said capital shall in his judgment be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the convention and administer to each dele-

gate, before taking his seat in the convention, the oath of allegiance to the United States in the form above prescribed.

Sec. 7. . . The convention shall declare on behalf of the people of the State their submission to the Constitution and laws of the United States, and shall adopt the following provisions, hereby prescribed by the United States in the execution of the constitutional duty to guarantee a republican form of government to every State, and incorporate them in the constitution of the State. . .

First. No person who has held or exercised any office, civil or military (except offices merely ministerial and military offices below the grade of colonel), State or Confederate, under the usurping power, shall vote for or be a member of the legislature or governor.

Second. Involuntary servitude is forever prohibited, and the freedom of all persons is guaranteed in said State.

Third. No debt, State or Confederate, created by or under the sanction of the usurping power shall be recognized or paid by the State.

Sec. 8. . . When the convention shall have adopted those provisions it shall proceed to reëstablish a republican form of government and ordain a constitution containing those provisions, which, when adopted, the convention shall by ordinance provide for submitting to the people of the State entitled to vote under this law, at an election to be held in the manner prescribed by the act for the election of delegates, but at a time and place named by the convention, at which election, the said electors, and none others, shall vote directly for or against such constitution and form of State government. And the returns of said election shall be made to the provisional governor, who shall canvass the same in the presence of the electors, and if a majority of the votes cast shall be for the constitution and form of government, he shall certify the same, with a copy thereof, to the President of the United States, who, after obtaining the consent of Congress, shall, by proclamation, recognize the government so established, and none other, as the constitutional government of the State; and

from the date of such recognition, and not before, Senators and Representatives and electors for President and Vice-President may be elected in such State, according to the laws of the State and of the United States.

Sec. 9. . . If the convention shall refuse to reëstablish the State government on the conditions aforesaid the provisional governor shall declare it dissolved; but it shall be the duty of the President, whenever he shall have reason to believe that a sufficient number of the people of the State entitled to vote under this act, in number not less than a majority of those enrolled as aforesaid, are willing to reëstablish a State government on the conditions aforesaid, to direct the provisional governor to order another election of delegates to a convention for the purpose and in the manner prescribed in this act, and to proceed in all respects as hereinbefore provided, either to dissolve the convention or to certify the State government reëstablished by it to the President.

Sec. 10. . . Until the United States shall have recognized a republican form of State government the provisional governor in each of said States shall see that this act and the laws of the United States and the laws of the State in force when the State government was overthrown by the rebellion are faithfully executed within the State; but no law or usage whereby any person was heretofore held in involuntary servitude shall be recognized or enforced by any court or officer in such State; and the laws for the trial and punishment of white persons shall extend to all persons, and jurors shall have the qualifications of voters under this law for delegates to the convention. The President shall appoint such officers provided for by the law of the State when its government was overthrown as he may find necessary to the civil administration of the State, all which officers shall be entitled to receive the fees and emoluments provided by the State laws for such officers.

Sec. 11. . . Until the recognition of a State government as aforesaid the provisional governor shall, under such regulations as he may prescribe, cause to be assessed, levied, and collected, for the year 1864 and every year thereafter, the taxes provided by the laws of such State to be levied during the fiscal year preceding the overthrow of the State government thereof, in the manner prescribed by the laws of the State, as nearly as may be; and the officers appointed as aforesaid are vested with all powers of levying and collecting such taxes, by distress or sale, as were vested in any officers or tribunal of the State government aforesaid for those purposes. The proceeds of such taxes shall be accounted for to the provisional governor and be by him applied to the expenses of the administration of the laws in such State, subject to the direction of the President, and the surplus shall be deposited in the Treasury of the United States to the credit of such State, to be paid to the State upon an appropriation therefor to be made when a republican form of government shall be recognized therein by the United States.

Sec. 12. . . All persons held to involuntary servitude or labor in the States aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such persons or their posterity shall be restrained of liberty under pretense of any claim to such service or labor, the courts of the United States shall, on *habeas corpus*, discharge them.

Sec. 13. . . If any person declared free by this act, or any law of the United States or any proclamation of the President, be restrained of liberty with intent to be held in or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by a fine of not less than $1,500 and be imprisoned not less than five nor more than twenty years.

Sec. 14. . . Every person who shall hereafter hold or exercise any office, civil or military (except offices merely ministerial and military offices below the grade of colonel), in the rebel service, State or Confederate, is hereby declared not to be a citizen of the United States.

The "Forfeited Rights" Plan

Report of Joint Committee on Reconstruction, p. xiii. From the majority report. This was the theory finally acted upon by Congress in reconstructing the Southern States. [June 20, 1866]

YOUR committee came to the consideration of the subject referred to them with the most anxious desire to ascertain what was the condition of the people of the States recently in insurrection, and what, if anything, was necessary to be done before restoring them to the full enjoyment of all their original privileges. It was undeniable that the war into which they had plunged the country had materially changed their relations to the people of the loyal States. Slavery had been abolished by constitutional amendment. A large proportion of the population had become, instead of mere chattels, free men and citizens. Through all the past struggle these had remained true and loyal, and had, in large numbers, fought on the side of the Union. It was impossible to abandon them, without securing them their rights as free men and citizens. . . Hence it became important to inquire what could be done to secure their rights, civil and political. It was evident to your committee that adequate security could only be found in appropriate constitutional provisions. By an original provision of the Constitution, representation is based on the whole number of free persons in each State, and three-fifths of all other persons. When all become free, representation for all necessarily follows. As a consequence the inevitable effect of the rebellion would be to increase the political power of the insurrectionary States, whenever they should be allowed to resume their position as States of the Union. . . It did not seem just or proper that all the political advantages derived from their becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal. . . Doubts were entertained whether Congress had power, even under the amended Constitution, to prescribe the qualifications of voters in a State, or could act directly on the subject. It was doubtful . . whether the States would consent to surrender a power they had always exercised, and to which they were attached. As

the best if not the only method of surmounting the difficulty, and as eminently just and proper in itself, your committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted, without distinction of color or race. This it was thought would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise. Such a provision would be in its nature gentle and persuasive, and would lead, it was hoped, at no distant day, to an equal participation of all, without distinction, in all the rights and privileges of citizenship, thus affording a full and adequate protection to all classes of citizens, since all would have, through the ballot-box, the power of self-protection. . .

From the time these Confederate States thus withdrew their representation in Congress and levied war against the United States, the great mass of the people became and were insurgents, rebels, traitors, and all of them assumed and occupied the political, legal, and practical relation of enemies of the United States. . . their people reduced to the condition of enemies, conquered in war, entitled only by public law to such rights, privileges, and conditions as might be vouchsafed by the conqueror. . .

Having reduced themselves . . to the condition of public enemies, they have no right to complain of temporary exclusion from Congress; but on the contrary, having voluntarily renounced the right to representation, and disqualified themselves by crime from participating in the Government, the burden now rests upon them . . to show that they are qualified to resume federal relations. . . They must prove that they have established, with the consent of the people, republican forms of government in harmony with the Constitution and laws of the United States, that all hostile purposes have ceased, and should give adequate guarantees against future treason and rebellion. . .

Having by this treasonable withdrawal from Congress, and by flagrant rebellion and war, forfeited all civil and political

rights and privileges under the Constitution, they can only be restored thereto by the permission and authority of that constitutional power against which they rebelled and by which they were subdued. . .

The powers of conqueror are not so vested in the President that he can fix and regulate the terms of settlement and confer congressional representation on conquered rebels and traitors. Nor can he in any way, qualify enemies of the Government to exercise its lawmaking power. The authority to restore rebels to political power in the Federal Government can be exercised only with the concurrence of all the departments in which political power is vested. . .

If the President may, at his will, and under his own authority, whether as military commander or chief executive, qualify persons to appoint Senators and elect Representatives, and empower others to appoint and elect them, he thereby practically controls the organization of the legislative department. The constitutional form of government is thereby practically destroyed, and its powers absorbed in the Executive. .

With such evidence before them, it is the opinion of your committee —

I. That the States lately in rebellion were, at the close of the war, disorganized communities, without civil government, and without constitutions or other forms, by virtue of which political relations could legally exist between them and the federal government.

II. That Congress cannot be expected to recognize as valid the election of representatives from disorganized communities, which, from the very nature of the case, were unable to present their claim to representation under those established and recognized rules, the observance of which has been hitherto required.

III. That Congress would not be justified in admitting such communities to a participation in the government of the country without first providing such constitutional or other guarantees as will tend to secure the civil rights of all citizens of the republic; a just equality of representation; pro-

tection against claims founded in rebellion and crime; a temporary restoration of the right of suffrage to those who had not actively participated in the efforts to destroy the Union and overthrow the government, and the exclusion from positions of public trust of, at least, a portion of those whose crimes have proved them to be enemies to the Union, and unworthy of public confidence.

4. SOUTHERN VIEWS ON RECONSTRUCTION

Suggestions by Howell Cobb

Johnson MSS. Letter from Gen. Howell Cobb to Gen. J. H. Wilson, written at the request of the latter, for transmission to the President. Cobb, before the war, was a member of Congress from Georgia, Speaker of the House, governor of Georgia, Secretary of the Treasury. During the Civil War he was in the Confederate Congress and later a general in the Confederate army.

[June 14, 1865]

I WAS a secessionist, and counselled the people of Georgia to secede. When the adoption of that policy resulted in War, I felt it my duty to share in the privations of the struggle, and accordingly at the commencement of the contest, I entered the army. . . I was an earnest supporter of the cause throughout the struggle. Upon the surrender of General Johnston I regarded the contest at an end, and have since that time conformed my action to that conviction. . .

The contest has ended in the subjugation of the South. The parties stand towards each other in the relative positions of conqueror and conquered; and the question for statesmen to decide, is, the policy and duty of the respective parties. With the latter the course is plainly marked out alike by the requirements of duty and necessity. . . A return to the peaceful and quiet employments of life; obedience to the constitution and laws of the United States; and the faithful discharge of all the duties, and obligations, imposed upon them by the new state of things, constitute their plain and simple duty.

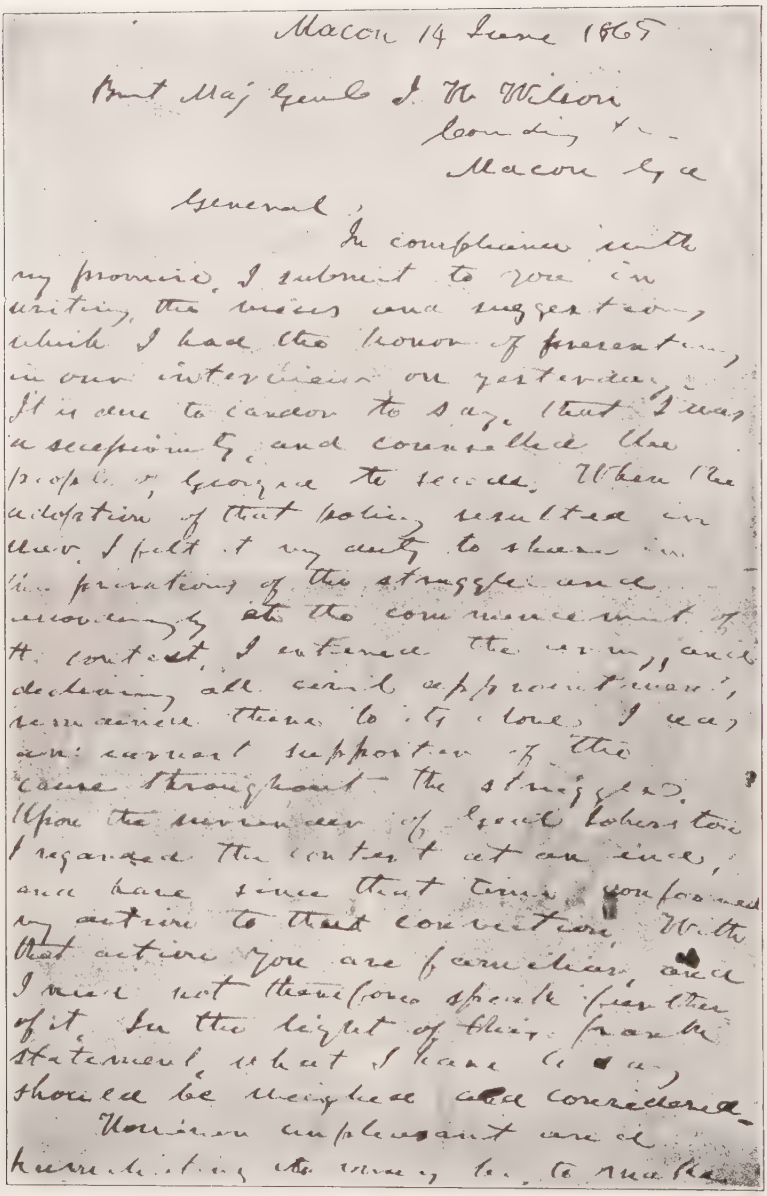
The policy to be adopted by the other party, is not so easily determined. . . The hour of triumph, is not necessarily, an hour for calm reflection, or wise judgments. . .

In the adoption of the policy, which the Government will pursue towards the people of the South, there are two matters which present themselves for primary and paramount consideration. 1st, the present condition of things in the South. 2nd, the state of things it is desirable to produce, and the best mode of doing it. . .

The whole country [South] has been more or less devastated. Their physical condition in the loss of property, and the deprivation of the comforts of life . . is as bad, as their worst enemy could desire. If left to employ all their resources . . it would require much time to recover from the effects of a devastating war. The abolition of slavery not only deprives them of a large property, but revolutionizes the whole system of agricultural labor; and must necessarily retard the restoration of former prosperity. So completely has this institution been interwoven with the whole frame work of society, that its abolition involves a revision, and modification of almost every page of the Statute books of the States, where it has existed. It is with a people, thus depressed in mind, seriously injured in estate, and surrounded by embarrassing questions of the greatest magnitude, that the Government has to deal. . . The avowed object of the Government was to restore the Union. The successful termination of the war has effected that result, so far as further resistance on the part of the South is concerned. The people of the South, being prepared to conform to that result, all else for the restoration of the Union is in the hands of the Government.

Looking to the future interests not only of the southern people, but of the whole country, it is desirable that the bitter animosities . . should be softened, as much as possible; and a devastated country restored . . to comparative prosperity. To effect these results requires the exercise of virtues, which the history of the World shows, are not often, if ever found, in the hearts of the conquerors, magnanimity and generosity. The World is sadly in need of such an example. Let the United States furnish it. There never was a more fitting opportunity. It will never be followed by more satisfactory results.

The prejudices and passions which have been aroused in this contest, crimsoned in the blood of loved ones, from every portion of the land, will yield only to the mellowing influences of time, — and the youngest participant in the struggle will scarcely live to see the last shadow pass away. It is for those



Macon 14 June 1865

Brvt Maj Genl J. H. Wilson
Commdg &c
Macon Ga

General,

In compliance with my promise, I submit to you in writing, the views and suggestions which I had the honor of presenting in our interviews on yesterday. It is due to candor to say, that I was a secessionist, and counselled the people of Georgia to secede. When the adoption of that policy resulted in war, I felt it my duty to share in the privations of the struggle and encourage by all the means at my command. At the commencement of the contest, I entered the army, and declaring all civil appointments vacant, remained there to the close. I was an earnest supporter of the cause throughout the struggle. Upon the surrender of General Johnston I regarded the contest at an end, and have since that time conformed my action to that conviction. With that action you are familiar, and I need not therefore speak further of it. In the light of this frank statement, what I have done, should be weighed and considered.

However unpleasant and humiliating the course may be, to make

Facsimile of First Page of General Howell Cobb's Letter on Reconstruction, June 14, 1865

[*From original MS. in Library of Congress*]

in whose hands, the power is entrusted, to deal with a brave and generous though conquered people, in such a spirit, as will most certainly and speedily ensure the desired result. The confidence of such a people can be won by kindness and generosity. I leave it for those who counsel a different policy, to foreshadow the effects of a contrary course. They may be able to see, how more blood, and more suffering will sooner restore kindlier feelings. I cannot. In the sufferings already endured, and the privations of the present, there appears to me ample atonement, to satisfy the demands of those, who would punish the South for the past. For the security of the future no such policy is required.

Giving to these general principles the form of practical recommendation, I would say that, all prosecutions and penalties should cease, against those who stand charged alone with the offense of being parties to, and supporters of the southern cause. . . The time for the exercise of this power of general amnesty with which the President is clothed, will arrive when he is satisfied, that the people of the South have abandoned the contest, and have in good faith returned to their allegiance to the United States. . . In such a policy there would be exhibited a spirit of magnanimity, which would find its reward in the happiest results.

If my voice could be heard in the councils of the Government . . I should seek to restore concord and good feeling by extending it to those, from whom I asked it in return; and by a course of generous confidence to win the willing and cheerful support of those whose loyalty and allegiance when thus won, could be relied upon. No man will doubt, that the man who is received back into the Union, and feels, that he has been subjected to no severe penalty, and been required to submit to no humiliating test, will make a truer and better citizen, than the one who feels that his citizenship has been obtained by submitting to harsh and degrading terms, which he was compelled to yield to, to secure the rights he has acquired. . . Secure the honest loyalty of the people, by extending to them a generous confidence, but do not ask them to win your confidence, by losing their own self respect. . .

By the abolition of slavery . . a state of things has been produced, well calculated to excite the most serious apprehensions with the people of the South. I regard the result as unfortunate both for the white and black. The institution of slavery, in my judgment provided the best system of labor that could be devised for the negro race. . . It is due both to the white population and the negroes that the present state of things, should not remain. You will find that our people are fully prepared to conform to the new state of things; and . . will be disposed to pursue towards the negroes, a course dictated by humanity and kindness. I take it for granted, that the future relations, between the negroes and their former owners, like all other questions of domestic policy, will be under the control and direction of the State Governments. . . For the remainder of the present year, there may not be very serious troubles, but there should be a more certain and well defined system for the future, than can be enforced under military regulations which are necessarily vague and indefinite; and do not meet many questions that arise. . .

Whilst there has been no action on the part of the Government to justify it, there is a serious apprehension felt, that a system of taxation is contemplated which will impose such burthens upon the people, as they cannot meet; and will end in the virtual confiscation of their estates. . . In the collections of any taxes the fact that there is no money in the hands of the people, and no means of obtaining it at an early day, should be remembered. Time should be given to tax payers to obtain the necessary funds, and thus save the remnants of their former estates. .

I am fully conscious of the fact, that what I have said, is subject to the criticism of proceeding from an interested party. This is true. I am interested, deeply interested in the question, not so much for myself, for I have no future, but for my family, my friends, my countrymen — but we are not the only persons interested in the solution of this great problem which stands in the history of the world, without precedent or parallel. . . So is every man who feels an interest in the future not of the South only, but of the whole country.

Herschel V. Johnson on Reconstruction

Johnson MSS. Letter from Johnson to H. M. Watterson, at the request of the latter, for transmission to the President. Johnson, before the Civil War, had been U. S. Senator, justice of the Georgia Supreme Court and governor of Georgia. He was candidate for vice president on the Douglas ticket in 1860. As a member of the Confederate Congress he had favored negotiations for peace. In 1865 he was president of the Georgia Constitutional Convention.

[October 28, 1865]

AFTER the States shall have organized their governments on the basis indicated by the President, I would be pleased, if he would publish a Proclamation to the effect that they are entitled to representation in Congress, provided they should elect Senators and Representatives *constitutionally* qualified to hold seats in the two respective branches. . . It would not only delight the Southern States, but, in my judgment, it would be a stroke of masterly policy. For being *constitutionally* qualified, no party in the North can be sustained who will advocate their rejection.

Such a proclamation will present the issue distinctly, in advance of the assembling of Congress, whether the Union can be fully restored upon *Constitutional* grounds. This involves two distinct advantages. First, it will elicit the popular will in time to produce a salutary effect upon the members of Congress from the Northern and Western States and thus develop the strength of the Conservative element in those states. Secondly. The radicals, who intend to make war on the President, will have to accept the issue thus tendered, of restoration and reconstruction upon the basis of the Constitution and force them to take the initiative in the warfare. The rejection of Southern members and senators on the basis of the *Constitutional* qualifications, is revolutionary in its tendency and must bring upon its authors, the odium of perpetuating a disunion, which they have fought nearly five years to prevent. They, in a word, become the disunion party. . .

The Treasury Department is taking steps to collect internal revenue. This will destroy our people, if the valuation of property according to the assessment of 1860 is adhered to. It ought to be remembered that the tax-paying capacity of our people is exhausted. Property is not actually worth one-fourth

of the valuation of 1860. The people are without money and they have nothing to sell. I beg you to appeal to the President in our behalf on this subject. Ask him, for the sake of justice, to cause the valuation of 1860 to be abandoned and to assess the tax according to its present value. We may *possibly* be able to pay on this basis — but the basis of 1860 will ruin thousands, the large majority of whom are widows and orphans and . . men of small means. . .

Clothed with as much power of patronage as is the President, I have no doubt of his ability, by legitimate means, to induce the Clerk of the H. R., in calling the roll of the states, to call the late seceding States. This is of *vast* importance in the work of restoration. For it puts all on an equality before the House is organized and gives all an opportunity to vote for Speaker. In such a condition of things the Southern States would have great power for good.

You may say to the President, with the most perfect confidence, that he can withdraw military power from Georgia as soon as he pleases. All is safe. Our Legislature will do justice and give ample protection to the freedman. The people . . will, in good faith, maintain the peace, adhere to the Union and obey the laws and Constitution.

5. UNIONIST PLANS

Observations of a Union Leaguer

Johnson MSS. Letter of A. Watson of Tennessee to President Johnson. [April 17, 1865]

THE city of Washington is spotted with rebels. . . Not only are rebels in the streets, and in every kind of business, but they are in every department, and even in and around the White House. Shall this thing continue, or will *you,* like the fabled Hercules, clean the Augean stables. This kind of filth has been accumulating for four long years, until it stinks in the nostrils of every loyal man. Shall it be cleaned out thoroughly, and the atmosphere of the National Capital be made as loyal and sweet as the air from a new blown rose. . .

If there was a grievous fault in Mr. Lincoln's administration it was in the fostering of his enemies, and the discarding of his friends. In fattening rebels, and starving those who had elevated him to power. . . Rebels were fostered and fattened . . until rebellion was made respectable by its numbers and its wealth, the air of this city was filled with it. . . Mr. Lincoln to placate these aristocrats . . has given them place and power, which they have constantly used against *him,* and his friends. . . He has fallen a victim to mistaken clemency, and to the policy of buying his enemies . . and to the discarding of his friends, and their advice. . . "He that is not for me is against me" — and "no man can serve two masters" are aphorisms not only of the scriptures, but equally admitted by all mankind.

In every department of the government in this city and elsewhere more than half are opposed to the principles enunciated by the Baltimore convention which elevated Mr. Lincoln and yourself to power. They not only receive the money of the government, but are in high official position giving tone to public opinion here and elsewhere, and are using their positions

to defeat the policy of the Administration, and shield rebels from just and merited punishment. . .

There is but one true policy of government in this country, which is *"to the victors belong the control."* . . Any other policy is a *fraud* upon the people and the party which gave to the nominees their votes. Mr. Lincoln's administration attempted the impossible policy of running the *Train* of *Freedom,* with Slavery Conductors, and giving them plenty of money, if they would not smash the cars. They did not destroy the *Company* because it was too strong and too rich, but they destroyed its *President.* . .

No such system can ever succeed. We have escaped by the merest accident, and now . . shall we allow these men to again put our lives, and the lives of the nation in peril. . . I trust that the Machinery of State will be put in the hands and under the control of its friends, who are alone competent to run it smoothly and safely. Not a man should be employed, unless he is one of our friends and the known enemy of the rebellion. Only in this way can you, and we, and the nation be entirely safe. "He that is not for us is against us." — All such should be driven from power at once. . . [The Union] League is strong in this city and if permitted will assist you in clearing rebels out of the departments, and out of every part of the city. . .

Some of the most prominent men of the League ask of you an interview, at some convenient period, that we may orally communicate in full the state of things in this city. We are long residents here and know nearly all of the prominent men in power, and especially the rank and file of the office holders, and are better calculated to point out the disloyal, than any other body of men here. We know thousands of rebels in office, and will give you their names, and the evidence, if you will see that they are removed. Believing that you will thus act has prompted me to write you this hasty letter, as from your speeches we are of opinion that rebels may now be forced out of office and into the obscurity which they merited four years ago. Better late than never, and it is never too late to do good . .

if you will grant us an interview we can assist you very materially in setting the ship of state on the right course, so as to avoid the rocks which stranded the last one.

"A Loyalist's" Demands

Report of Joint Committee on Reconstruction, pt. III, p. 12. Statement of William H. Smith, of Alabama, a prominent deserter from the Confederacy. [1866]

THE rebels have had all that in their hands, and they think they have power again, and it emboldens them. . . They say they will soon have the control of the country again; that they will have a united south, and with the democratic party in the north, and the President to help them, they will soon have the control of the whole country again. I was talking with Governor Parsons the other day . . I am satisfied he has gone over to the rebels. I said to him . . "Governor, the course we should pursue here is to make war on these rebels. As for the poor, deluded common soldiers, I have sympathy for them; but as for the rest, we must put them down. The people must blame some one for this great wrong, and if the government does not put a mark on the leading rebels and blame them, the people will blame the government. But if these men are rewarded for their treason against the government, the plain, simple-minded men will say that the government must be satisfied that they have not done wrong or it would not reward them." "Well," said the governor, "I agree to that; but let us wait until we get the State reconstructed." "What do you mean by that?" I replied. "Do you mean, wait until these men are all in power? That would be too late. We Union men will then all be driven out of the country."

6. SOME ABOLITIONIST VIEWS

Gerrit Smith's "Thoughts for the People"

Johnson MSS. A public letter printed as a broadside. [April 19, 1865]

LET the first condition of Peace with them be that no people in the Rebel States shall ever either lose or gain civil or political rights by reason of their race or origin. God would have no right, social, ecclesiastical, nor any other, turn on such peculiarities. But to apply this condition of Peace to any other than civil and political rights would be manifestly improper. . . A Peace, which denies the ballot to the black man, would be war: — and perhaps the worst of wars — a war of races.

Let the next condition of Peace be that our black allies in the South — those saviors of our nation — shall share with their poor white neighbors in the subdivisions of the large landed estates of the South. And this, not merely to compensate them for what we owe them: — and not merely because they are destitute of property: — and not merely because they have ever been robbed of their earnings and denied the acquisition of property: — but, more than all these, because the title to the soil of the whole South is equitably in them, who have ever tilled it, and profusely shed upon it their sweat and tears and blood. . .

Let the only other condition be that the rebel masses shall not, for, say, a dozen years, be allowed access to the ballot-box, or be eligible to office; and that the like restrictions be for life on their political and military leaders. Without such restrictions there would be no safety for either the blacks or loyal whites of the South; and no adequate security against the nation's sinking into a condition worse in some respects than that from which she is now emerging. Without such restrictions our ingratitude to the blacks would be as signal as is their magnanimity in forgiving us, and in serving and saving us at personal risks greater than white men could possibly incur.

I do not say that I would have all black men vote. I certainly would, were the rebels allowed to vote. But, with the proposed restrictions on rebel suffrage, I would be quite content that none, black or white, who cannot read their vote, should be permitted to cast it. As a general principle and in ordinary circumstances, I would not have the ability to read a qualification for voting. . .

The President [Lincoln] would have the Louisiana Constitution [1864] confer suffrage on colored men, if they are "very intelligent," or if they "serve our cause as soldiers." But would he make these the conditions of voting on the part of the Southern whites also? With such impartial conditions there would be more black than white voters in the South. . . The mass of the Southern blacks fall, in point of intelligence, but little, if any, behind the mass of the Southern whites. But I pass from this comparison to say that, in reference to the qualifications of the voter, men make too much account of the head and too little of the heart. The ballot-box, like God, says: "Give me thy heart." The best-hearted men are the best qualified to vote: and, in this light, the blacks, with their characteristic gentleness, patience and affectionateness, are peculiarly entitled to vote. We cannot wonder at Swedenborg's belief that the celestial people will be found in the interior of Africa: nor hardly can we wonder at the legend, that the gods came down every year to sup with their favorite Africans. . .

I shall be asked, if I would have none of the rebels, not even their guiltiest leaders, doomed to death? I answer, no — not any of them: nor any of them to imprisonment, nor any of them to banishment. . .

1st. Because the masses of the Southern whites do . . love their leaders, and would therefore sympathize with their sufferings, and be soured, if not exasperated, by them. . . Such a state of mind would be very unfavorable for their experience of those happy changes of character, which are so needful for the nation's as well as their own welfare.

2d. Because these masses would be ever and deeply grate-

ful to the Government whose remarkable clemency had spared those leaders from the penalty of their crimes.

3d. Because these leaders are not so depraved but what they themselves . . might be won to love our kind and forgiving Government, and to feel and confess the boundless wrong of having risen up against it.

4th. Because the heart of the whole world would be softened, and all its civilizations improved by such an absence of revenge, and by such pity for those, who had done so much to provoke revenge.

5th. Because monarchists would justly ascribe to the educating power of our free institutions this unprecedentedly generous treatment of the greatest offenders, and would be touched with shame for their disparagement and defamation of those institutions.

6th. Because the civilization of our Northern States — which, but for the barbarizing influences of slavery, had been, if indeed it is not now, of a higher type than that enjoyed by any other people — would call for all this pity. It would be called for by that same civilization, which did not respond to the clamors for the retaliatory starvation and murder of prisoners. Just here, we see that a highly civilized people are at great disadvantage in carrying on a war with a pre-eminently barbarous one. The South could starve and murder prisoners: but the North could not. . .

7th. But for a reason weightier than any or all other reasons, would I have the North deal kindly and mercifully. . . The slaveholding spirit brought on this war. But the North, as well as the South is responsible for generating and fostering this spirit. . . The trade, politics and religion of the North were in the service of slavery.

Gerrit Smith Advises Leniency

Johnson MSS. An open letter to President Johnson. [April 24, 1865]

ONLY ten days ago, and the country felt sure of an immediate Peace. . . To-day there is a strong and wide-spread fear that

Peace is afar off. Whence this great change? It comes from the assassination of Abraham Lincoln, and from your taking his place.

1st. For, whilst the incessant demand for a rigorous and bloody policy toward the conquered rebels met with no response in the remarkable kindness and compassion of Mr. Lincoln, it is apprehended that there may be qualities in yourself to which such a policy . . would be entirely welcome. Then by your contact with the Rebellion — by your personal observation of its crimes, and especially by what you and your family and friends had suffered from those crimes — your temper, unless marvellously controlled, could not have failed to be excited, and to call for the severest punishment on the leaders of the Rebellion.

2d. Whilst Mr. Lincoln was yet alive, Government was incessantly called on by presses and public meetings, by sermons saturated with the vindictive and blood-thirsty spirit of the Jewish theology, and by voices innumerable, not to spare these leading rebels. No wonder then, that the manner of his death is made use of to increase the thirst for their blood. For, absurd as is the charge, that the assassin was their tool, it nevertheless gains extended credence. They all knew Mr. Lincoln's characteristic clemency, and that the terms of the Peace he was intent on were exceedingly mild. Hence, how insane is the supposition that any of them sought his death! . .

But there was another and no less conclusive argument, for conducting the contest with our enemy on the most liberal and humane principles. It was that it is reasonable as well as charitable to conclude, not only that there must, in order to move such vast numbers, be their sincere belief in their cause, but that, considering how many wise and good men there are amongst them, their cause, however lacking it may be in soundness, must have a strong semblance of soundness. And such it, in fact, has. The Constitutional right of "Secession," which is their cause, has from the first been extensively believed in. Even Jefferson and Madison favored it, more or less directly. Nearly the whole South had come to believe it; and no small

part of the North. It is true, that the American people have now put their final and effectual veto upon this doctrine of "Secession." They have done this, not only on the battle-field, but at the ballot-box also. . . Nevertheless, not to let the extended conviction, at the North as well as at the South, present as well as past, of the truth of the doctrine, mitigate in some degree the crime of the mad-clinging of the Southern people to it, is to betray a great and guilty insensibility to the claims of reason, candor and charity. He is not a right-hearted man, who can read without sorrow for General Lee, and without some measure of excuse for him, the accounts of his hesitating between the claims of his country and of his Virginia to his paramount allegiance. Charge the General with guilt for choosing Calhoun instead of Webster for his expounder of the Constitution. But admit it to be his misfortune more than his guilt that . . he grew up under the teachings of Jefferson and Madison, instead of those of Washington and Hamilton and Jay. Candor will allow the like plea even for Jefferson Davis. Let him who "is without sin" — this sin of taking as a political authority not Calhoun merely, but even Jefferson or Madison — "let him first cast a stone at" Jefferson Davis. . . Neither [North nor South] can put the entire blame of the War upon the other. Hence neither is to punish the other: — but both are to forgive each other. God says to the North, as well as to the South: "Go, and sin no more." . .

I cannot doubt that [peace is remote] if the severe policy toward the conquered rebels . . shall be adopted. . . For once let it be known that the leading rebels, who shall fall into our hands, will be doomed to punishment . . and immediately, amongst their followers, sympathy with them and rage against us will know no bounds. . . In that state of things a guerilla warfare would ensue, which . . might run through many years, harrassing and wasting our armies, and adding fearfully, if not fatally, to our already vast debt. . . A people, however great, should beware of driving to desperation a people however small. . . Moreover, if our Government shall be guilty of what seems to be bad faith or cruelty

toward the conquered rebels, would there not be a disaffection at the North far more alarming than that hitherto manifested? . .

But how blessed would be the consequences of a wise and kind treatment of that enemy! Then the South would be at Peace with the North; would soon learn to like her; and would soon welcome the tens of thousands of families, that would immediately begin to emigrate from the North to the South? Then the North and the South . . would rapidly become one in interest, and one also in character. . . The South has suffered enough, and she deserves to be soothed and comforted, and no more afflicted, by us.

Chief Justice Chase on Negro Suffrage

Johnson MSS. Chase to President Johnson. Chase was then in South Carolina on a tour through the South. [May 7, 1865]

GENERAL Sherman is greatly dissatisfied with the publication of the projected Convention with Johnson & the reasons for disapproval. . .

He is thoroughly persuaded of the superior merits of the plan of reorganization, which was initiated by General Weitzel's order at Richmond, & applied more extensively by the proposed Convention. He does [not] seem to take into account the great changes produced by the conversion of slaves into free citizens; which alone are sufficient to make honorable reorganization through rebel authorities impossible.

My detention here has enabled me to see a good deal of the Citizens. . . All agree that Slavery is at an end, and acquiesce fully in the order of Gen. Schofield, which I enclose, declaring that all persons in North Carolina, who were held as slaves, were made free by the Proclamation of Emancipation and must be upheld in their rights as freemen. As to the extension of Suffrage to loyal blacks I find that readiness and even desire for it is in proportion to the loyalty of those who express opinions. Nobody dissents, vehemently; while those who have suffered from rebellion and rejoice with their whole hearts in

the restoration of the National Authority, are fast coming to the conclusion they will find their own surest safety in the proposed extension. Among these last I have found no one more enlightened or truly patriotic than Col. James H. Taylor formerly the holder of more than a hundred slaves.

All seem embarrassed about first steps. I do not entertain the slightest doubt that they would all welcome some simple recommendation from yourself, and would adopt readily any plan which you would suggest. They would receive, without resistance from any and with real joy in many hearts, an order for the enrollment of all loyal citizens without regard to complexion, with a view to reorganization. This would be regarded by all not as an interference but a facility, so far as the order should relate to Enrollment of whites, and with almost universal acquiescence and with favor by the best citizens, in its whole scope. . .

I am anxious that *you* should have the honor of the lead in this work. It is my deliberate judgment that nothing will so strengthen you with the people or bring so much honor to your name throughout the world as some such short address as I suggested before leaving Washington. Just say to the People "reorganize your state governments: I will aid you by enrollment of the loyal citizens; you will not expect me to discriminate among men equally loyal; once enrolled vote for delegates to the Convention to reform your State Constitution: I will aid you in collecting and declaring their suffrages; your Convention and yourselves must do the rest; but you may count on the support of the National Government in all things constitutional [ly] expedient." This will terminate all discussion. The disloyal men will feel that the argument is closed and will at once conform themselves to the new order.

7. CHARLES SUMNER'S "STATE SUICIDE" THEORY

The Effect of Secession is the Destruction of the State

Congressional Globe, February 11, 1862, p. 736. [1862]

1. *Resolved,* That any vote of secession or other act by which any State may undertake to put an end to the supremacy of the Constitution within its territory is inoperative and void against the Constitution, and when sustained by force it becomes a practical *abdication* by the State of all rights under the Constitution, while the treason which it involves still further works an instant *forfeiture* of all those functions and powers essential to the continued existence of the State as a body politic, so that from that time forward the territory falls under the exclusive jurisdiction of Congress as other territory, and the state being according to the language of the law, *felo-de-se,* ceases to exist.

2. *Resolved,* That any combination of men assuming to act in the place of such States, and attempting to insnare or coerce the inhabitants thereof into a confederation hostile to the Union is rebellious, treasonable, and destitute of all moral authority; and that such combination is a usurpation, incapable of any constitutional existence, and utterly lawless, so that everything dependent upon it is without constitutional or legal support.

3. *Resolved,* That the termination of a State under the Constitution necessarily causes the termination of those peculiar local institutions which, having no origin in the Constitution or in those natural rights which exist independent of the Constitution are upheld by the sole and exclusive authority of the State.

4. *Resolved,* That slavery being a peculiar local institution, derived from local laws, without any origin in the Constitution or in natural rights, is upheld by the sole and exclusive authority of the State, and must therefore cease to exist legally

or constitutionally when the State on which it depends no longer exists; for the incident cannot survive the principal.

5. *Resolved,* That in the exercise of its exclusive jurisdiction over the territory once occupied by the States, it is the duty of Congress to see that the supremacy of the Constitution is maintained in its essential principles, so that everywhere in this extensive territory slavery shall cease to exist practically, as it has already ceased to exist constitutionally or legally. . .

9. *Resolved,* That the duty directly cast upon Congress by the extinction of the States is reinforced by the positive prohibition of the Constitution that "no State shall enter into any confederation," or "without the consent of Congress keep troops or ships-of-war in time of peace or enter into any agreement or compact with another State," or "grant letters of marque and reprisal," or "without the consent of Congress lay any duties on imports or exports," all of which have been done by these pretended governments, and also by the positive injunction of the Constitution, addressed to the nation, that "the United States shall guaranty to every State in this Union a republican form of government;" and that in pursuance of this duty cast upon Congress, and further enjoined by the Constitution, Congress will assume complete jurisdiction of such vacated territory where such unconstitutional and illegal things have been attempted, and will proceed to establish therein republican forms of government under the Constitution; and in the execution of this trust will provide carefully for the protection of all the inhabitants thereof, for the security of families, the organization of labor, the encouragement of industry, and the welfare of society, and will in every way discharge the duties of a just, merciful, and paternal government.

Five Conditions of Reconstruction

Congressional Globe, December 4, 1865, p. 2. [1865]

Resolved, That, in order to provide proper guaranties for security in the future, . . it is the first duty of Congress to take care that no State declared to be in rebellion shall be allowed

to resume its relations to the Union until after the satisfactory performance of five several conditions, which conditions precedent must be submitted to a popular vote, and be sanctioned by a majority of the people of each State respectively, as follows:

(1) The complete re-establishment of loyalty, as shown by an honest recognition of the unity of the Republic, and the duty of allegiance to it at all times, without mental reservation or equivocation of any kind.

(2) The complete suppression of all oligarchical pretensions, and the complete enfranchisement of all citizens, so that there shall be no denial of rights on account of color or race; but justice shall be impartial, and all shall be equal before the law.

(3) The rejection of the rebel debt, and at the same time the adoption, in just proportion, of the national debt and the national obligations to Union soldiers, with solemn pledges never to join in any measure, direct or indirect, for their repudiation, or in any way tending to impair the national credit.

(4) The organization of an educational system for the equal benefit of all without distinction of color or race.

(5) The choice of citizens for office, whether state or national, of constant and undoubted loyalty, whose conduct and conversation shall give assurance of peace and reconciliation.

Resolved, That in order to provide these essential safeguards, without which the national security and the national faith will be imperilled, States cannot be precipitated back to political power and independence; but they must wait until these conditions are in all respects fulfilled.

8. THE CONQUERED PROVINCE THEORY OF THADDEUS STEVENS

The Conquered Provinces

Congressional Globe, December 18, 1865, p. 72. [1865]

THE President assumes, what no one doubts, that the late rebel States have lost their constitutional relations to the Union, and are incapable of representation in Congress, except by permission of the Government. It matters but little, with this admission, whether you call them States out of the Union, and now conquered territories, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so until the Government shall breathe into them the breath of life anew and permit them to occupy their former position. In other words, that they are not out of the Union, but are only dead carcasses lying within the Union. In either case, it is very plain that it requires the action of Congress to enable them to form a State government and send representatives to Congress. Nobody, I believe, pretends that with their old constitutions and frames of government they can be permitted to claim their old rights under the Constitution. They have torn their constitutional States into atoms, and built on their foundations fabrics of a totally different character. Dead men cannot raise themselves. Dead States cannot restore their existence "as it was." Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only executes and cannot make laws. Not in the Commander-in-Chief of the armies, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law. Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts and broke all the ties that bound them

together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new states or remain as conquered provinces. Congress . . . is the only power that can act in the matter.

Congress alone can do it. . . . Congress must create States and declare when they are entitled to be represented. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence, and citizenship; and whether the election and returns are according to law. . . .

It is obvious from all this that the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them. Since the conquest they have been governed by martial law. Military rule is necessarily despotic, and ought not to exist longer than is absolutely necessary. As there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years, I know of no arrangement so proper for them as territorial governments. There they can learn the principles of freedom and eat the fruit of foul rebellion. Under such governments, while electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the conqueror to practice justice to all men, and accustom themselves to make and obey equal laws. . . .

They ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended; and so as to secure perpetual ascendency to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis of representation among the States from Federal numbers to actual voters. . . . With the basis unchanged the 83 Southern members, with the Democrats that will in the best times be elected from the North, will always

give a majority in Congress and in the Electoral college. . . . I need not depict the ruin that would follow. . . .

But this is not all that we ought to do before inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the common laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage. . . . If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages.

The Advantages of Negro Suffrage

Congressional Globe, January 3, 1867, p. 252. [1867]

UNLESS the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. I waive now the question of punishment which, if we are wise, will still be inflicted by moderate confiscations. . . . Having these States . . . entirely within the power of Congress, it is our duty to take care that no injustice shall remain in their organic laws. Holding them "like clay in the hands of the potter," we must see that no vessel is made for destruction. Having now no governments, they must have enabling acts. The law of last session with regard to Territories settled the principles of such acts. Impartial suffrage, both in electing the delegates and ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly with their aid loyal governments may be established in most of those States. With-

out it all are sure to be ruled by traitors; and loyal men, black and white, will be oppressed, exiled, or murdered. There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is a necessity in order to protect the loyal white men in the seceded States. The white Union men are in a great minority in each of those States. With them the blacks would act in a body; and it is believed that in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled. . .

Another good reason is, it would insure the ascendency of the Union party. . . I believe . . that on the continued ascendency of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representative delegation to Congress, and cast a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, without regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. . . I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

Reasons for Confiscations

Congressional Globe, March 10, 1866, p. 1309. [1866]

I HAVE never desired bloody punishments to any great extent. . . But there are punishments quite as appalling, and longer

remembered, than death. They are more advisable, because they would reach a greater number. Strip a proud nobility of their bloated estates; reduce them to a level with plain republicans; send them forth to labor, and teach their children to enter the workshops or handle the plow, and you will thus humble the proud traitors. Teach his posterity to respect labor and eschew treason. Conspirators are bred among the rich and the vain, the ambitious aristocrats. I trust yet to see our confiscation laws fully executed.

A Plan for Confiscation

Congressional Globe, March 19, 1867, p. 203. A bill introduced by Stevens. [1867]

WHEREAS it is due to justice, as an example to future times, that some proper punishment should be inflicted on the people who constituted the "confederate States of America," both because they, declaring an unjust war against the United States for the purpose of destroying republican liberty and permanently establishing slavery, as well as for the cruel and barbarous manner in which they conducted said war, in violation of all the laws of civilized warfare, and also to compel them to make some compensation for the damages and expenditures caused by said war: Therefore,

Be it enacted . . That all the public lands belonging to the ten States that formed the government of the so-called "confederate States of America" shall be forfeited by said States and become forthwith vested in the United States.

Sec. 2. . . The President shall forthwith proceed to cause the seizure of such of the property belonging to the belligerent enemy as is deemed forfeited by the act of July 17, A. D. 1862, and hold and appropriate the same as enemy's property, and to proceed to condemnation with that already seized.

Sec. 3. . . In lieu of the proceeding to condemn the property thus seized as enemy's property, as is provided by the act of July 17, A. D. 1862, two commissions or more, as by him may be deemed necessary, shall be appointed by the President

for each of the said "confederate States," to consist of three persons each, one of whom shall be an officer of the late or present Army, and two shall be civilians, neither of whom shall be citizens of the State for which he shall be appointed; the said commissions shall proceed to adjudicate and condemn the property aforesaid, under such forms and proceedings as shall be prescribed by the Attorney General of the United States, whereupon the title to said property shall become vested in the United States.

Sec. 4. . . Out of the lands thus seized and confiscated the slaves who have been liberated by the operations of the war and the amendment to the Constitution or otherwise, who resided in said "confederate States" on the 4th day of March, A. D. 1861, or since, shall have distributed to them as follows, namely: to each male person who is the head of a family, forty acres; to each adult male, whether the head of a family or not, forty acres; to each widow who is the head of a family, forty acres — to be held by them in fee simple, but to be inalienable for the next ten years after they become seized thereof. For the purpose of distributing and allotting said land the Secretary of War shall appoint in each State as many commissions as he may deem necessary, to consist of three members each, two of whom at least shall not be citizens of the State for which he is appointed. . . At the end of ten years the absolute title to said homesteads shall be conveyed to said owners or to the heirs of such as are then dead.

Sec. 5. . . Out of the balance of the property thus seized and confiscated there shall be raised, in the manner hereinafter provided, a sum equal to fifty dollars, for each homestead, to be applied by the trustees hereinafter mentioned toward the erection of buildings on the said homesteads for the use of said slaves; and the further sum of $500,000,000, which shall be appropriated as follows, to-wit: $200,000,000 shall be invested in United States six per cent. securities; and the interest thereof shall be semi-annually added to the pensions allowed by law to the pensioners who have become so by reason of the late war; $300,000,000, or so much thereof as may be needed,

shall be appropriated to pay damages done to loyal citizens by the civil or military operations of the government lately called the "confederate States of America."

Sec. 6. . . In order that just discrimination may be made, the property of no one shall be seized whose whole estate on the 4th day of March, A. D. 1865, was not worth more than $5,000, to be valued by the said commission, unless he shall have voluntarily become an officer or employee in the military or civil service of "the Confederate States of America," or in the civil or military service of some one of said States, and in enforcing all confiscations the sum or value of $5,000 in real or personal property shall be left or assigned to the delinquent. . .

Sec. 8. . . If the owners of said seized and forfeited estates shall, within ninety days after the first of said publications, pay into the Treasury of the United States the sum assessed on their estates respectively, all of their estates and lands not actually appropriated to the liberated slaves shall be released and restored to their owners.

Sec. 9. . . All the land, estates, and property, of whatever kind, which shall not be redeemed as aforesaid within ninety days, shall be sold and converted into money, in such time and manner as may be deemed by the said commissioners the most advantageous to the United States: *Provided,* That no arable land shall be sold in tracts larger than 500 acres.

9. VARIOUS PLANS AND SUGGESTIONS

The Sherman-Johnston Convention

Memoirs of Gen. W. T. Sherman, by Himself, vol. II, p. 356. This agreement, drawn up by General Sherman, was repudiated by the Washington administration. [April 18, 1865]

Memorandum or Basis of Agreement made this 18th day of April, A. D. 1865, near Durham's Station, in the State of North Carolina by and between General Joseph E. Johnston, commanding the Confederate Army, and Major General W. T. Sherman, commanding the army of the United States in North Carolina, both present:

. . 2. The Confederate armies now in existence to be disbanded and conducted to the several State capitals, there to deposit their arms and public property in the State arsenal; and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of the State and Federal authority. The number of arms and munitions of war to be reported to the Chief of Ordnance at Washington City, subject to the future action of the Congress of the United States, and, in the meantime, to be used solely to maintain peace and order within the borders of the States respectively.

3. The recognition by the Executive of the United States of the several State Governments, on their officers and Legislatures taking the oath prescribed by the Constitution of the United States, and, where conflicting State Governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

4. The reëstablishment of all Federal Courts in the several States, with powers as defined by the Constitution of the United States and of the States respectively.

5. The people and inhabitants of all the States to be guaranteed, so far as the Executive can, their political rights and franchises, as well as their rights of person and property, as defined by the Constitution of the United States and of the States respectively.

6. The Executive authority of the Government of the United States not to disturb any of the people by reason of the late war so long as they live in peace and quiet, abstain from acts of armed hostility, and obey the laws in existence at the place of their residence.

7. In general terms the war to cease, a general amnesty, so far as the Executive of the United States can command, on condition of the disbandment of the Confederate armies, the distribution of the arms and the resumption of peaceful pursuits by the officers and men hitherto composing said armies.

Opinions of C. P. Huntington

Johnson MSS. Letter of C. P. Huntington to Hugh McCulloch, Secretary of the Treasury. [October 19, 1866]

THE organized, not to say impertinent efforts, that have been made in this locality, on the part of some ambitious, and many well-intentioned Republicans, to dictate a policy to the President, to forestall the wisdom of his Cabinet and of Congress, and to lead public opinion, have had the effect, if nothing more, of silencing or muzzling the Republican press as to the Administration, and of creating suspicions, distrust and fear, when and where a warm, generous and outspoken support might not only have been expected, but was demanded by every loyal consideration. .

The fallacy that the Rebel states were out of the Union and quasi-territorial, has not obtained much foothold here, encountering, as it does, so many practical facts, and requiring, as it does, a recognition of the power and right of secession for its own basis, political power involving and carrying with it political right. But another position more plausible, "that the rebellious States are held in the grasp of war," and should be so held, until the right of suffrage is secured to freedmen, meets with more favor. They who are pressing this demand seem to forget how narrow and limited is their own field of observation, and that there may be men who from a higher point of view, and with more extended and practical knowledge of the political relations of men and things through the whole

country, are more competent, and equally loyal and trusty, to judge what kind and how much of "security for the future" is necessary, who forget that some twenty-six states out of New England, and one within, now exclude blacks from the elective franchise. . . Indeed, they seem to forget how far *East* the *West* now extends, and that it may have something to say about Massachusetts intermeddling with their reserved rights.

How much more extraordinary is it, that this extreme or impracticable class should have expected or demanded of the President, that . . he should originate another revolution, and usurp a power never delegated by the States, but reserved to themselves in express terms — the right of each state to establish the elective franchise for itself. As if the President could exercise a power . . which Congress itself could not exercise without an amendment of the Constitution. If he had undertaken so to do, I see not how members of Congress elected under such call, could have been anything more than intruders, or why he should attempt to quell a political revolution in some of the States by originating a great social revolution in many more. Neither can it easily be perceived, how the necessities of war and the military power in destroying slavery, could also bestow the right of suffrage, which no military or Executive proclamation ever claimed to do, or establish new constitutions, or invest the President with new and original civil power, creating political relations where they had never before existed, and destroying them where expressly reserved.

Governor Andrew's Plan

Gov. John A. Andrew's *Valedictory Address* to the Massachusetts Legislature. [January 4, 1866]

I AM confident we cannot re-organize political society with any proper security: 1. Unless we let in *people* to a co-operation, and not merely an arbitrarily selected portion of them. 2. Unless we give those who are, by their intelligence and character, the natural leaders of the people, and who surely will lead them by and by, an opportunity to lead them now.

I am aware that it has been a favorite dogma in many quarters, *"No Rebel Voters."* But — it is impossible in certain States to have *any* voting by white men, if only "loyal men" . . are permitted to vote. . .

The Southern People . . fought, toiled, endured, and persevered, with a courage, a unanimity and a persistency, not outdone by any people in any Revolution. There was never an acre of territory abandoned to the Union while it could be held by arms. There was never a Rebel regiment surrendered to the Union arms until resistance was overcome by force. . . The people of the South, men and women, soldiers and civilians, volunteers and conscripts, in the army and at home, followed the fortunes of the Rebellion and obeyed its leaders, so long as it had any fortunes or any leaders. Their young men marched up to cannon's mouth, a thousand times, where they were mowed down like grain by the reapers when the harvest is ripe. . . And since the President finds himself obliged to let in the great mass of the disloyal, . . to a participation in the business of reorganizing the Rebel States, I am obliged also to confess that I think to make one rule for the richer and higher rebels, and another rule for the poorer and more lowly rebels is impolitic and unphilosophical. I find evidence in the granting of pardons, that such also is the opinion of the President.

When the day arrives, . . when an amnesty, substantially universal, shall be proclaimed, the leading minds of the South, who by temporary policy and artificial rules had been, for the while, disfranchised, will resume their influence and their sway. The capacity of leadership is a gift, not a device. They whose courage, talents and will entitle them to lead, will lead. . . We ought to demand, and to secure, the co-operation of the strongest and ablest minds and the natural leaders of opinion in the South. If we cannot gain their support of the just measures needful for the work of safe re-organization, re-organization will be delusive and full of danger. . .

They are the most hopeful subjects to deal with, in the very nature of the case. They have the brain and the experience and the education to enable them to understand . . the present

situation. They have the courage, as well as the skill, to lead the people in the direction their judgments point, in spite of their own and the popular prejudice. . . Is it consistent with reason and our knowledge of human nature, to believe the masses of Southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? . .

It would be idle to re-organize those States by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on — just where we now are. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority aided by the freedmen on the one hand, against the majority of the white race on the other. I would not consent, having rescued those States by arms from secession and rebellion, to turn them over to anarchy and chaos. . .

I am satisfied that the mass of thinking men at the South accept the present condition of things in good faith; and I am also satisfied that with the support of a firm policy from the President and Congress, in aid of the efforts of their good faith, and with the help of a conciliatory and generous disposition on the part of the North . . the measures needed for permanent and universal welfare can surely be obtained. There ought now to be *a vigorous prosecution of the Peace* — just as vigorous as our recent prosecution of the War. We ought to extend our hands with cordial good-will to meet the proffered hands of the South; demanding no attitude of humiliation from any; inflicting no acts of humiliation upon any; respecting the feelings of the conquered.

Supreme Court Theory

7 Wallace, p. 700. Opinion of Chief Justice Chase in *Texas vs. White*. [1869]

Did Texas [during the war], cease to be a State? Or, if not, did the State cease to be a member of the Union? . . The

Union of the States never was a purely artificial and arbitrary relation. . . Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States. . .

The ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union. If this were otherwise, the State must have become foreign, and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest and subjugation.

Our conclusion therefore is, that Texas continued to be a State, and a State of the Union. . . During this condition of civil war, the rights of the State as a member, and her people as citizens of the Union, were suspended. . . There being no government in Texas in constitutional relations with the Union, it became the duty of the United States to provide for the restoration of such a government. . . But, the power to carry into effect the clause of guaranty is primarily a legislative power, and resides in Congress. . . The action of the President must, therefore, be considered as provisional, and, in that light, it seems to have been regarded by Congress.

III

RESTORATION BY THE PRESIDENT

INTRODUCTION

President Lincoln, holding that it was the duty of the executive to initiate Reconstruction, established during the war provisional governments in three of the states — Tennessee, Louisiana, and Arkansas. In Virginia he recognized the so-called "reorganized" government. A new state was set up in West Virginia. Congress opposed the policy of Lincoln but had not definitely rejected it when the war ended. After Lincoln's death, Congress not being in session, President Johnson had a clear field for a trial of his plan of restoring the Union. For a month he made no move except to reject the Sherman-Johnston convention. Meanwhile in the lower South the state officers began a movement looking toward reorganization for the purpose of asking for readmission to the Union. About May 20, 1865, Johnson ordered that this movement be crushed by the arrest of all who should take part in it. On May 29 with the publication of the Amnesty Proclamation and the appointment of a provisional governor for North Carolina, he began his work of reorganizing the southern communities. For each of the seceded states, except Louisiana, Tennessee, Arkansas and Virginia, he appointed a governor who organized a provisional administration and called a constitutional convention, which was required by the President: (1) to abolish slavery, declare the ordinance of secession null and void, and repudiate all debts incurred in aid of the war; (2) to provide for a new state government based on the constitution and laws of 1861, without slavery. Next in each state were held elections of local and state

officials, legislators and congressmen. Presidential governors and their administrations now gave way to those elected by the people. The legislatures, under pressure from Washington, ratified the Thirteenth Amendment, and elected United States senators. The process of restoration was now complete if Congress would admit the Southern representatives.

But Congress refused to do this, and the state governments in the South continued as provisional only and subject to constant interference by the President. The breach between the President and Congress rapidly widened. The Civil Rights and Freedmen's Bureau acts were passed over the veto. Finally Congress proposed the Fourteenth Amendment as a sort of compromise: if they should ratify it the Southern States would be recognized but the leading whites would be disfranchised by it. The President opposed it. Tennessee alone ratified it and was readmitted. The other Southern States after rejecting the Amendment prepared a modified form of it which they were willing to accept, but nothing came of this attempt. The year of 1866 was a year of campaigning, North and South, on the question of Reconstruction. Individuals and parties declared for Congress or for the Presidential policy. The so-called Radical party was organized in the South to advocate negro suffrage and to secure its fruits. The President himself took part in the campaign, but his policy was condemned at the polls in the North. The Presidential state governments continued in the South more or less under the control of the army and the Freedmen's Bureau until Congress passed the Reconstruction acts in March, 1867.

REFERENCES

EARLY ATTEMPTS AT RESTORATION: Fleming, *Civil War and Reconstruction in Alabama*, p. 341; Garner, *Reconstruction in Mississippi*, p. 57; Herbert, *The Solid South*, p. 321; Phelps, *Louisiana*, ch. 14.

FORMATION OF THE PROVISIONAL GOVERNMENTS: Chadsey, *President Johnson and Congress*, p. 36; Fleming, ch. 8; Garner, p. 75; Herbert, p. 9; Reynolds, *Reconstruction in South Carolina*, ch. 1, 2; Rhodes, *History of the United States*, vol. v, p. 525; Wallace, *Carpet Bag Rule in Florida*, ch. 1; Woolley, *Reconstruction of Georgia*, ch. 1.

THE CONVENTIONS OF 1865: Chadsey, p. 40; Fleming, p. 358; Garner, p. 82; Reynolds, p. 14; Rhodes, vol. v, p. 35; Wallace, ch. 2.

THE ABOLITION OF SLAVERY: Fleming, p. 360; Garner, p. 86; Herbert, p. 353; Reynolds, p. 17; Rhodes, vol. v, p. 539.

THE JOHNSON GOVERNMENTS: Fleming, ch. 9, 10; Garner, ch. 3; Herbert, pp. 25, 115, 323, 351; Reynolds, ch. 2; Rhodes, vol. v, ch. 30; Woolley, ch. 2.

OPPOSITION OF CONGRESS: Chadsey, ch. 3; Fleming, p. 391; Garner, p. 155; Rhodes, vol. v, ch. 30.

MILITARY RULE, 1865-1866: Fleming, ch. 10; Garner, p. 96; Reynolds, p. 39; Wilson, *Federal Aid in Domestic Disturbances*, p. 107.

STATUS OF THE NEGRO: Fleming, pp. 383, 410; Garner, p. 109; Wallace, ch. 3.

THE CAMPAIGN OF 1866: Chadsey, ch. 4; Fleming, p. 398; Reynolds, p. 37; Rhodes, vol. v, p. 614.

REJECTION OF THE FOURTEENTH AMENDMENT: Chadsey, p. 104; Fleming, p. 394; Garner, p. 121; Reynolds, p. 33; Rhodes, vol. v, p. 603.

1. THE PRESIDENT'S PLAN IN OPERATION

An Early Attempt at Restoration

Annual Cyclopedia, 1865, p. 578. Proclamation of Gov. Charles Clarke of Mississippi. There were similar movements in the states from South Carolina to Texas, favored by the union army officers, but about May 20 the President ordered all these governments dispersed. [May 6, 1865]

To the people of Mississippi:

Gen. Taylor informs me that all Confederate armies east of the Mississippi River are surrendered. . . Federal commanders will only send such troops as may be necessary to guard public property. . .

Arrangements will be made to issue supplies to the destitute. I have called the Legislature to convene on Thursday, the 18th instant. They will, doubtless, order a convention. The officers of the State Government will immediately return with the archives to Jackson.

County officers will be vigilant in the preservation of order and the protection of property. Sheriffs have power to call out *posse comitatus*, and the militia will keep arms and other orders for this purpose, as in times of peace.

The State laws must be enforced as they now are until repealed. If the public property is protected and peace preserved, the necessity of Federal troops in your counties will be avoided. You are therefore urged to continue to arrest all marauders and plunderers. The collection of taxes should be suspended, as the laws will doubtless be changed.

Masters are responsible, as heretofore, for the protection and conduct of their slaves, and they should be kept at home as heretofore. Let all citizens fearlessly adhere to the fortunes of the State. Assist the returning soldiers to obtain civil employment, contemn twelfth-hour vaporers, and meet facts with fortitude and common sense.

Southern State Governments not Recognized

War Department Archives, General Order No. 52, Department of Mississippi, May 20, 1865, publishing a telegram from Secretary Stanton. [1865]

By direction of the President, you will not recognize any officer of the Confederate or State Government, within the limits of your command, as authorized to exercise in any manner whatever the function of their late offices. You will prevent, if necessary, any attempt of any of the legislatures of the States in insurrection to assemble for legislative purposes, and will imprison any members or other persons who may attempt to exercise his functions in opposition to your orders.

Johnson's Proclamation of Amnesty

Richardson, *Messages and Papers*, vol. vi, p. 310. [May 29, 1865]

WHEREAS the President of the United States, on the 8th day of December, A. D., 1863, and on the 26th day of March, 1864, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly, or by implication, participated in the said rebellion; and

Whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and

Whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion, and continued hostility to the Government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon.

To the end, therefore, that the authority of the Government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly,

participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation), and thence forward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, ———— ————, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion, with reference to the emancipation of slaves. So help me God."

The following classes of persons are excepted from the benefits of this proclamation:

First. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended Confederate government.

Second. All who left judicial stations under the United States to aid the rebellion.

Third. All who shall have been military or naval officers of said pretended Confederate government above the rank of colonel in the army or lieutenant in the navy.

Fourth. All who left seats in the Congress of the United States to aid the rebellion.

Fifth. All who resigned or tendered resignations of their commissions in the army or navy of the United States to evade duty in resisting the rebellion.

Sixth. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities.

Seventh. All persons who have been or are absentees from the United States for the purpose of aiding in the rebellion.

Eighth. All military and naval officers in the rebel service who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

Ninth. All persons who held the pretended offices of governors of States in insurrection against the United States.

Tenth. All persons who left their homes within the jurisdiction and protection of the United States and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion.

Eleventh. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas and all persons who have made raids into the United States from Canada or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

Twelfth. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement or custody, or under bonds of the civil, military, or naval authorities or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction.

Thirteenth. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over $20,000.

Fourteenth. All persons who have taken the oath of amnesty prescribed in the President's proclamation of December 8, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation, and who have not thenceforward kept and maintained the same inviolate.

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States. . .

Appointment of a Provisional Governor

Richardson, *Messages and Papers*, vol. vi, p. 312. Proclamation appointing W. W. Holden, provisional governor of North Carolina. Similar proclamations were issued for Mississippi on June 13, Georgia and Texas on June 17, Alabama on June 21, South Carolina on June 30, and for Florida on July 13. Under the Lincoln plan, governments had been set up in Louisiana, Arkansas, Tennessee and Virginia. [May 29, 1865]

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquility insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States, and Commander in Chief of the Army and Navy of the United States, do

hereby appoint William W. Holden Provisional Governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor and its people to the protection by the United States against invasion, insurrection and domestic violence: *Provided,* that in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector, or shall be eligible as a member of such convention unless he shall have previously taken the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of North Carolina, in force immediately before the 20th day of May, 1861, the date of the so-called ordinance of secession; and the said convention when convened, or the Legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the Constitution and laws of the State — a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct —

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said Provisional Governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State Government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the district where their respective duties are to be performed; but if suitable residents of the districts shall not be found then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster General proceed to establish post offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment. . .

Fifth. That the district judge for the judicial district in which North Carolina is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney General will instruct the proper officers to libel and bring to judgment, confiscation and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department, applicable to the geographical limits aforesaid. . .

Forming a "Johnson" State Government

Proclamation of Lewis E. Parsons, provisional governor of Alabama. Before the meeting of the constitutional convention each governor appointed by President Johnson formed a provisional administration in the manner described in this proclamation. It will be observed that the Confederate state administration is made use of.

[July 20, 1865]

Now for the purpose of carrying into execution the commands of the President, and to enable the loyal people of Alabama to secure to themselves the benefits of civil government, I do hereby declare and ordain:

1. That the Justices of the Peace and Constables in each county of this State, the members of the Commissioners Court . . the County Treasurer, the Tax Collector and Assessor, the Coroner and the several municipal officers of each incorporated city or town in the State, who were respectively in office and ready to discharge the duties thereof, on the 22nd of May, 1865, [1] are hereby appointed to fill those offices during the continuance of this provisional government. . . The power is hereby reserved to remove any person for disloyalty or for improper conduct in office, or neglect of its duties. . .

The Judges of Probate and Sheriffs, who were in office on the 22nd of May, 1865, will take the oath as herein required of other officers, and continue to discharge the duties of their respective offices until others are appointed.

2. Each of these persons just appointed to office must take the oath of Amnesty, as prescribed by the President's proclamation of the 29th day of May, 1865, and immediately transmit the same to this office. . . Each of these officers must also give bond and security payable to the State of Alabama, as required by the laws of Alabama on the 11th day of January, 1861. [2] If any person acts in the discharge of the duties of any of the aforesaid offices without having complied with the foregoing regulations on his part he will be punished. This oath of amnesty and of office may be taken before any commissioned officer in the civil, military, or naval service of the United States; and the Judge of Probate in each county in this State . . may also administer it. . . But no one can hold

1. The date of the discontinuance of the Confederate state government.
2. The date of the ordinance of secession.

any of these offices who is exempted by the proclamation of the President from the benefit of amnesty, unless he has been specially pardoned.

3. The appointment of Judge of Probate and Sheriff in each county will be made specially, as soon as suitable persons are properly recommended, and when appointed they will take the oath of amnesty prescribed in the foregoing section, and give bond and security as required by the law of Alabama on the 11th of January, 1861. Any vacancies in any of the county offices will be promptly filled when it is made known and a proper person recommended. . .

5. An election for delegates to a convention of the loyal citizens of Alabama, will be held in each county in the State on Monday, the 31st day of August next, in the manner provided by the laws of Alabama on the 11th day of January, 1861; but no person can vote in said election, or be a candidate for said election, who is not a legal voter as the law was on that day; and if he is excepted from the benefit of amnesty under the President's Proclamation . . he must have obtained a pardon.

6. Every person must vote in the county of his residence, and before he is allowed to do so, must take and subscribe the oath of amnesty prescribed in the President's Proclamation of the 29th of May, 1865, before some one of the officers hereinafter appointed for that purpose in the county where he offers to vote. . .

7. There will be elected in each county of the State, on said day, as many delegates to said Convention as said county was entitled to representatives in the House of Representatives on the 11th day of January, 1861; and the delegates so elected will receive a certificate of election from the sheriff of the county, and will assemble in Convention at the Capitol in Montgomery, on the 10th day of September 1865. . .

8. From and after this day, the civil and criminal laws of Alabama, as they stood on the 11th day of January, 1861, except that portion which relates to slaves, are hereby declared to be in full force and operation; and all proceedings

for the punishment of offences against them, will be turned over to the proper civil officers, together with the custody of the person charged, and the civil authorities will proceed in all cases according to law. Suits in civil cases now pending, whether an original measure, or final process, before any officer acting under military authority, will also be turned over to the proper civil officer, and will be governed in all things by the laws of the State aforesaid.

9. All unlawful means to punish offenders are hereby strictly prohibited. No "vigilance committee" or other organization, for the punishment of supposed offenders, not authorized by the laws of the State, will be permitted, and if any such are attempted, the person or persons so offending, will be promptly arrested and punished. . . If offenders become too strong, the military power of the United States will aid us. Henceforth that power will act in aid of, and in subordination to the civil authority of the State.

10. The oath which is required to be taken by those who desire to vote for delegates to the Convention, may be administered by the Judge of Probate of the county where the voter lives, or by any Justice of the Peace in said county and by officers specially thereunto appointed. . . One copy of said oath will be given to the voter and another will be kept by the officer before whom it is taken which must be filed with the Judge of Probate, and endorsed by the Judge of Probate, with affiant's name . . and preserved by him as a part of the records of his office. The Judge of Probate must make out a certified list of names numbered to correspond with the affidavit, and transmit it to this office by some one of the delegates to the Convention. . .

11. There are no slaves now in Alabama. The slave code is a dead letter. . .

13. . . The Sheriffs of the several counties are hereby required to keep in readiness a sufficient force of deputies or assistants to enable them to execute all legal process and arrest all offenders promptly, and they will be held strictly accountable for any neglect of duty in this respect.

President Johnson on Negro Suffrage

McPherson, *History of Reconstruction*, p. 19. Johnson to Gov. W. L. Sharkey of Mississippi. [August 15, 1865]

I HOPE that without delay your convention will amend your State constitution, abolishing slavery and denying to all future Legislatures the power to legislate that there is property in man; also that they will adopt the amendment to the Constitution of the United States abolishing slavery. If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you would thus place Southern States in reference to free persons of color upon the same basis with the free States. . . And as a consequence the radicals, who are wild upon negro franchise, will be completely foiled in their attempts to keep the Southern States from renewing their relations to the Union by not accepting their Senators and Representatives.

A Debate on the Abolition of Slavery

Annual Cyclopedia, 1865, p. 14. In the Alabama convention. Coleman of Choctaw County was also in the convention of 1901 and chairman of the committee that framed the restricted suffrage clause. [September, 1865]

MR. COLEMAN, of Choctaw County, contended that on our action depended the right of the property of the people. The Proclamation of the President and the act of Congress had destroyed slavery, but to make it complete required our ratification, and, before doing so, the validity and constitutionality of the proclamation and act of Congress should be tested before the Supreme Court of the United States. He recognized the right of the United States to pass laws for the punishment of crime, but as a State could not commit treason . . and they could not be deprived of their property except on trial and conviction, those who had not been guilty of treason, could

not be deprived of their property, although in slaves. Congress had no right to seize the property of an offender, after death, when it should revert to his heirs. . . To admit the right of the Federal head by proclamation to nullify the Constitution of a State, was to concede the loss of the republic and the sovereignty of the States. The present course proposed by the majority report was one of expediency, and he was not prepared to sacrifice rights, honor, and property to it, although there was a great anxiety to get members elected to Congress. He denied that the President's Proclamation demanded of the State the abolition of slavery as a test of loyalty . . that a State could not forfeit its rights, but citizens might. This was the loyal State of Alabama, and must be so regarded, yet were it not through force no member would vote to abolish slavery. We had no guarantee that the sacrifice would be accepted or that our members of Congress would be admitted; nothing would satisfy the Radicals of the North. He contended that on this great principle of State rights the North was as deeply interested as the South, and that the precedent of yielding as proposed by the majority report was too dangerous. We should accept the freeing of the slaves by the act of the Federal Executive and the bayonet, and it was not the free and voluntary act of the people of Alabama. He believed that when the country returned to its reason, those who had lost their property and who had not participated in the rebellion, would be compensated, but the ordinance proposed an estoppel on all reclamations.

Judge Foster of Calhoun County, replied as follows: The war had settled two questions forever, one that of secession, the other of slavery. They had been settled by a power whose decision was binding and final, and from which there was no appeal — the power of the sword. Disputes between individuals could be settled by events, but they have no power to adjust differences between States and nations. They must be adjusted by compromise and negotiation or submitted to the arbitrament of the sword. The decisions of the Supreme Court were not respected or obeyed even by political parties.

. . The substitute offered by Mr. White proposed to await the action of the Supreme Court. It was immaterial what that action was, so far as it secured us any practical benefit. . .

The first ordinance reported by the committee asserted a fact, apparent to every one, that the institution of slavery had been destroyed, not deciding when or how, whether constitutionally, or unconstitutionally. . . First, by the act of Congress and the President's Proclamation; second, by the military power of the Government of the United States . . the establishment of the Freedmen's Bureau, and the practical severing of the tie between master and slave. The ordinance also asserted the proposition that we would not revive slavery. . . The Government of the United States in every department was unalterably determined that slavery should no longer exist. The edict had gone forth, and we were powerless to resist it. We were a subjugated people, and our conquerors could dictate their own terms. . .

We could not reduce the negroes to slavery if the United States would withdraw their forces and stand aloof. We were exhausted, and the attempt would lead to a reënactment of the bloody scenes of St. Domingo. . .

The country needed repose. The people had made up their minds that slavery was gone, and were accommodating themselves to the new order of things. It was wrong to awaken delusive hopes that could never be satisfied. Our wisest course was in good faith to accept the situation and restore our relations with the Federal Union — reorganize our State Government, that law and order might again prevail in the land.

Abolition in North Carolina

Senate Ex. Doc. no. 26, 39 Cong., 1 Sess., p. 28. Each Southern state in its constitutional convention formally abolished slavery before the Thirteenth Amendment was ratified. [October 9, 1865]

Be it declared and ordained by the delegates of the people of the State of North Carolina in convention assembled, and it is hereby declared and ordained, That slavery and involuntary servitude, otherwise than for crimes, whereof the parties shall

have been duly convicted, shall be and is hereby forever prohibited within the State.

The Ordinance of Secession Null and Void

Senate Ex. Doc. no. 26, 39 Cong., 1 Sess., p. 28. Each seceding state in its convention declared the ordinance by which it seceded to be null and void. Only North Carolina declared that it had always been void. [October 7, 1865]

Be it declared and ordained by the delegates of the good people of North Carolina . . That the ordinance of the convention of the State of Carolina, ratified on the twenty-first day of November, seventeen hundred and eighty-nine, which adopted and ratified the Constitution of the United States, and also all acts and parts of acts of the general assembly ratifying and adopting amendments to the said Constitution, are now and at all times since the adoption and ratification thereof have been in full force and effect, notwithstanding the supposed ordinance of the twentieth day of May, eighteen hundred and sixty-one, declaring that the same be repealed, rescinded and abrogated; and the said supposed ordinance is now and at all times hath been null and void.

Repudiation of the Confederate Debt

McPherson, *History of Reconstruction*, p. 19. Johnson to W. W. Holden, provisional governor of North Carolina. [October 18, 1865.]

EVERY dollar of the debt created to aid the rebellion against the United States should be repudiated finally and forever. The great mass of the people should not be taxed to pay a debt to aid in carrying on a rebellion which they in fact, if left to themselves, were opposed to. Let those who have given their means for the obligations of the State look to that power they tried to establish in violation of law, constitution, and will of the people. They must meet their fate. It is their misfortune, and cannot be recognized by the people of any State professing themselves loyal to the government of the United States and in the Union. I repeat that the loyal people of North Carolina should be exonerated from the payment

of every dollar of indebtedness created to aid in the rebellion. I trust and hope that the people of North Carolina will wash their hands of everything that partakes in the slightest degree of the rebellion, which has been so recently crushed by the strong arm of the government in carrying out the obligations imposed by the Constitution of the Union.

Organizing a New State Government

Senate Ex. Doc. no 26, 39 Cong., 1 Sess., p. 34. In similar manner the conventions of the other Southern states provided for setting up new administrations. [October 10, 1865]

Be it ordained by the delegates of the people of the State of North Carolina in convention assembled . . That a general assembly of the State shall be convened on the fourth Monday of November, eighteen hundred and sixty-five, the members thereof shall hold their places till the next election of such members, which shall be held on the first Thursday of August, eighteen hundred and sixty-six. . .

The provisional governor is hereby authorized and requested to issue forthwith to the sheriff of each county a writ, directing that an election be held for the senators and members of the house of commons of such general assembly on the second Thursday of November next, under the rules, regulations, and provisions of [the ante-bellum] code. . .

Immediately on the receipt of the writ, each sheriff shall summon the justices of the peace of the courts of pleas and quarter sessions to assemble at the court-house on a day appointed by him, which shall be as early as practicable; and they, or so many as may assemble, shall appoint inspectors for each place of election, who shall be forthwith notified of their appointment by the sheriff, and they shall conduct the elections and make returns of the polls in the manner prescribed in said [code]. . .

Each member and voter shall be qualified according to the now existing constitution of the State: . . no one shall be eligible to a seat or be capable of voting who, being free in all

respects, shall not before the twenty-ninth day of May, eighteen hundred and sixty-five, either have voluntarily taken and subscribed the oath of amnesty prescribed in the proclamations of President Lincoln, with the purpose to suppress the insurrection and restore the authority of the United States, and thereforward shall have observed the same; or shall not have taken and subscribed the oath of amnesty prescribed in the proclamation of President Johnson, [of May 29, 1865] and who, moreover, shall not, in either case, be of those who are excepted from the amnesty granted by any of the said proclamations, unless pardoned; . . all persons who may have preferred petitions for pardon shall be deemed to have been pardoned, if the fact of being pardoned shall be announced by the governor, although the pardon may not have been received. . .

For the purpose of ascertaining the qualifications of persons proposing to vote, the inspectors may, and it shall be their duty, whenever the vote may be challenged, or they shall have cause to suspect that he is not duly qualified, examine him and others on oath, touching the question. . .

At the same time and places, elections shall be held for seven representatives in the Congress of the United States . . which shall be conducted under the rules and regulations prescribed [in the code] for such elections; and the voters in said elections shall be such only as shall be qualified to vote for members of the house of commons. . .

At the same time and place, an election shall be held for a governor of the State, under the same rules and regulations . . and the persons qualified to vote for members of the house of commons, under this ordinance, shall be qualified to vote for governor. . .

No person shall be eligible as governor unless he shall be qualified according to the constitution of the State, and also shall be capable, under the provisions of this ordinance, of voting for members of the general assembly. . .

The governor thus elected shall take his seat as soon as the authority of the provisional governor shall cease. . .

The governor thus elected shall continue in office till the first day of January eighteen hundred and sixty-seven.

Laws in Force after the War

Senate Ex. Doc. no. 26, 39 Cong., 1 Sess., p. 35. Similar ordinances were passed by the other state conventions in the South. [October 18, 1865]

WHEREAS doubt may arise, from the late attempt of the State of North Carolina to secede from the United States, whether any, and what, laws have been, and are now, in force, and what acts, done by officers and individuals, are valid and obligatory: Now, for the purpose of preventing such doubt about these and other matters hereinafter mentioned,

Be it declared and ordained by the delegates of the people of the State of North Carolina. . .

1. All laws of the State, except as hereinafter is excepted, which on the twentieth day of May, eighteen hundred and sixty-one,[1] were compatible with the allegiance of the citizens of the State to the governor of the United States, and not since repealed or modified; and all the laws and ordinances passed since that day, except as hereinafter is excepted, compatible with such allegiance and not since repealed or modified, and which are consistent with the constitution of the State and the United States, are hereby declared to have been, at all times since their enactment, and now to be, in full force, . . as if the State had not on that day . . attempted to secede from the government of the United States, and as if no question had been made of the lawful authority of the convention assembled on that day, or of any general assembly assembled since that day, to enact such laws and ordinances, and all other of said ordinances and laws are hereby declared to have been and to be null and void. . .

2. All the judicial proceedings had, or which may be had, in the courts of record and before justice of the peace, shall be deemed and held valid in like manner . . as if the State had not . . attempted to secede from the United States.

1. The date of secession.

3. All contracts, executory and executed, of every nature and kind, made on or since the twentieth day of May, eighteen hundred and sixty-one, and all marriages solemnized on or since that day, under any authority purporting to be the law of the State, shall be deemed to be valid and binding between the parties . . as if the State had not . . attempted to secede from the United States; and it shall be the duty of the general assembly to provide a scale of depreciation of the Confederate currency from the time of its first issue to the end of the war; and all executory contracts, solvable in money, whether under seal or not, made after the depreciation of said currency, before the first day of May, eighteen hundred and sixty-five, and yet unfulfilled, (except official bonds and penal bonds payable to the State,) shall be deemed to have been made with the understanding that they were solvable in money of the value of said currency; it shall be competent for either of the parties to show, by parol or other relevant testimony, what the understanding was in regard to the kind of currency in which the same are solvable; and in such case, the true understanding shall regulate the value of the contract: *Provided,* That in case the plaintiff, in any suit upon such contracts, will make an affidavit that it was solvable in other currency than that above referred to, then such presumption shall cease, and it shall be presumed to be payable in such currency as shall be mentioned in the affidavit, subject to explanation by evidence as aforesaid.

4. All the acts and doings of the civil officers of the State since the twentieth day of May, eighteen hundred and sixty-one, done, . . under or in virtue of any authority purporting to be a law of the State which is consistent with its allegiance to the United States, and with the constitution of the State, shall be deemed valid and of the same force and effect as if the State had not . . attempted to secede from the United States.

5. No person who may have been in the civil or military service of the State, or of the Confederate States, shall be held for any act done . . in the proper discharge of the duties

imposed on him by any authority purporting to be a law of the State, or Confederate States government; but such persons shall be exempt from all personal liability therefor, . . as if such act had been done under lawful authority. . .

6. All the acts and deeds of the provisional governor of the State, appointed by the President of the United States, and likewise all the acts of any officer or agent by him appointed . . are hereby ratified and declared to be valid. . .

7. All provisions for a change in those rates of taxation that were in force upon the twentieth of May eighteen hundred and sixty-one . . are hereby repealed.

Slavery and Suffrage in a New Constitution

Constitution of Alabama, 1865. [September 30, 1865]

Art. I. Sec. 24. That hereafter there shall be in this State neither slavery, nor involuntary servitude, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

Art. VIII. Sec. 1. Every white male person, of the age of twenty-one and upward, who shall be a citizen of the United States, and shall have resided in this State one year next preceding the election, and the last three months thereof in the county in which he offers to vote, shall be deemed a qualified elector.

The Thirteenth Amendment

Acts and Resolutions, 38 Cong., 2 Sess., p. 168. The resolution proposing this amendment passed the Senate April 8, 1864, and the House, January 31, 1865. President Johnson required the governments that he had established in the South to ratify this amendment and thus secured ratification of the requisite three-fourths of the States. [December 18, 1865]

ARTICLE XIII

Sec. 1. Neither slavery nor involuntary servitude, save as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

Stanton's Opinion of Johnson's Policy in 1866

Annual Cyclopedia, 1866, p. 753. [1866]

THESE measures received the cordial support of every member of the Cabinet, and were approved by the sentiments declared by conventions in nearly all of the States. One point of difference presented itself, namely, the basis of representation. By some it was thought just and expedient that the right of suffrage in the rebel States should be secured in some form to the colored inhabitants of those States, either as a universal rule, or to those qualified by education, or by actual service as soldiers who ventured life for their Government. My own mind inclined to this view, but after calm and full discussion my judgment yielded to the adverse arguments resting upon the practical difficulties to be encountered in such a measure, and the President's conviction that to prescribe rules of suffrage was not within the legitimate scope of his power. . .

The President's Report on Restoration

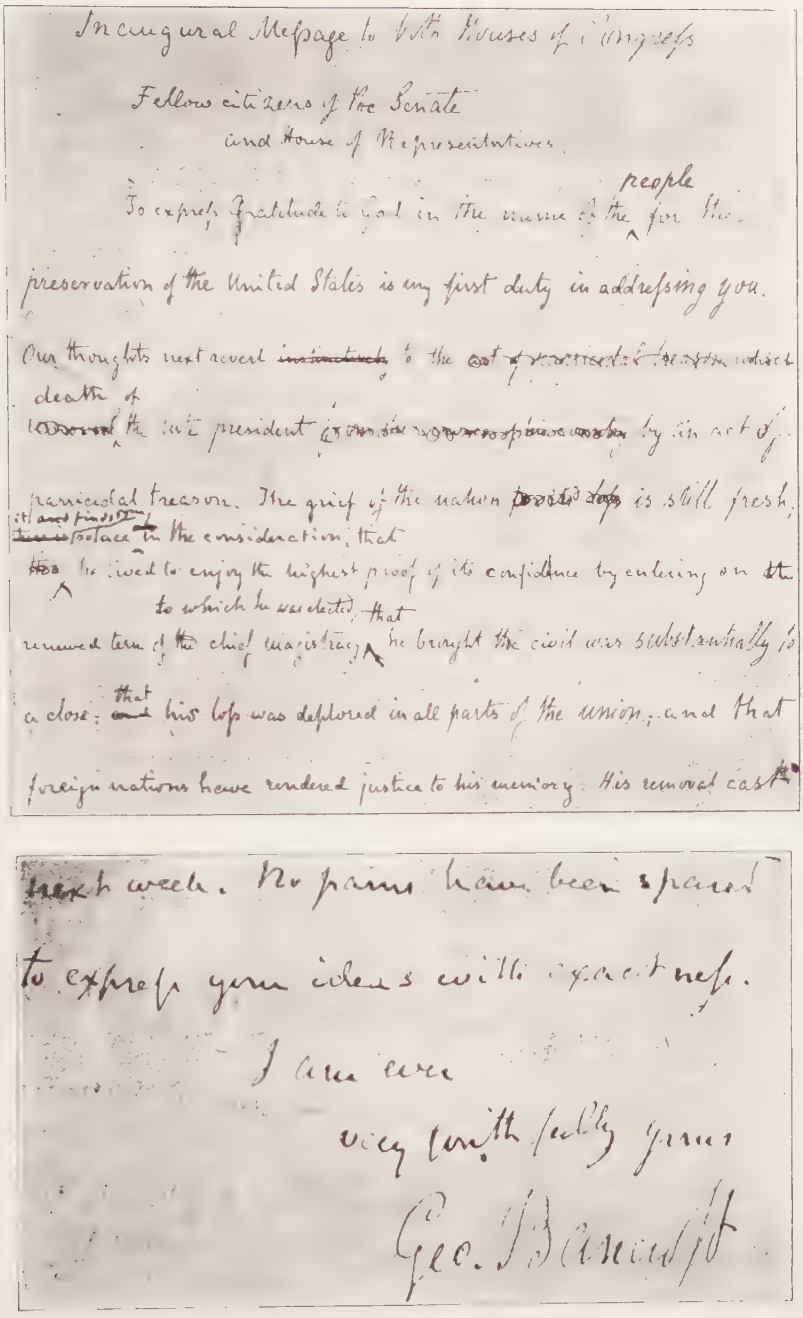
Richardson, *Messages and Papers*, vol. vi, pp. 357, 372. Annual message to Congress, December 4, and special message to Senate, December 18, 1865. [1865]

[December 4, 1865]. . . I have . . gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end, provisional governors have been appointed for the States, conventions called, governors elected, legislatures assembled, and senators and representatives chosen to the Congress of the United States. At the same time, the courts of the United States, as far as could be done, have been re-opened, so that the laws of the United States may be enforced through their agency. The blockade has been removed and the customs houses re-established in ports of entry, so that the revenue of the United States may be collected. The Post Office Depart-

ment renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post office removes the facilities of social intercourse and of business. . .

[December 18, 1865] As the result of the measures instituted by the Executive, with the view of inducing a resumption of the functions of the States, . . the people in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee, have reorganized their respective State governments, and "are yielding obedience to the laws and Government of the United States" with more willingness and greater promptitude than under the circumstances could reasonably have been anticipated. The proposed amendment to the Constitution, providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of those States, with the exception of Mississippi, from which no official information has yet been received; and in nearly all of them measures have been adopted or are now pending, to confer upon freedmen rights and privileges which are essential to their comfort, protection and security. In Florida and Texas the people are making commendable progress in restoring their state governments, and no doubt is entertained that they will at an early period be in condition to resume all of their practical relations to the Federal Government.

In "that portion of the Union lately in rebellion" the aspect of affairs is more promising than, in view of all the circumstances, could well have been expected. The people throughout the entire South evince a laudable desire to renew their allegiance to the Government, and to repair the devastations of war by a prompt and cheerful return to peaceful pursuits. An abiding faith is entertained that their actions will conform to their professions, and that in acknowledging the supremacy of the Constitution and the laws of the United States, their loyalty will be unreservedly given to the Government. . .



Inaugural Message to both Houses of Congress

Fellow citizens of the Senate
and House of Representatives

To express Gratitude to God in the name of the people for the preservation of the United States is my first duty in addressing you.

Our thoughts next revert ~~instinctively~~ to the ~~act of wicked treason~~ which deprived the late president of life by an act of parricidal treason. The grief of the nation ~~is~~ is still fresh; ~~and finds~~ solace in the consideration, that he lived to enjoy the highest proof of its confidence by entering on the term to which he was elected, that he brought the civil war substantially to a close; that his loss was deplored in all parts of the union, and that foreign nations have rendered justice to his memory. His removal cast

next week. No pains have been spared to express your ideas with exactness.

I am ever
very faithfully yours
Geo. Bancroft

FACSIMILE (REDUCED) OF PART OF BANCROFT'S DRAFT OF PRESIDENT JOHNSON'S MESSAGE, DECEMBER 4, 1865; AND HIS LETTER TO JOHNSON, NOVEMBER 9, 1865

[*From the original MSS. in the Library of Congress*]

In some of the States the demoralizing effects of the war are to be seen in occasional disorders; but these are local in character, not frequent in occurrence, and are rapidly disappearing as the authority of civil law is extended and sustained. Perplexing questions were naturally to be expected from the great and sudden change in the relations between the two races; but systems are gradually developing themselves under which the freedman will receive the protection to which he is justly entitled, and by means of his labor make himself a useful and independent member of the community in which he has his home. . . I am induced to cherish the belief that sectional animosity is surely and rapidly merging itself into a spirit of nationality, and that representation, connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relations of the States to the national Union.

2. THE "PROVISIONAL" GOVERNMENTS IN THE SOUTH

What the War Decided

Annual Cyclopedia, 1865. Gov. J. L. Orr's address to the South Carolina legislature. [October, 1865]

THE war has decided first: That . . the States of the Federal Union have not the right . . to secede therefrom. The doctrine of secession . . is now exploded for any practical purpose. The theory of absolute sovereignty of a State of the Federal Union, . . which was believed almost universally to be a sound constitutional construction, must also be materially modified to conform to this . . decision. In all the powers granted in the Constitution to the Federal Government, it is supreme and sovereign, and must be obeyed and respected accordingly. Where the rights of a State are disregarded, or unconstitutional acts done by any department of the Federal Government, redress can no longer be sought by interposing the sovereignty of the State, either for nullification or secession; but the remedy is by petition or remonstrance; by reason, which sooner or later will overtake justice; by an appeal to the supreme judicial power of the Union; or by revolution, which if unsuccessful, is treason. . .

The God of Battles has pronounced an irreversible judgment, after a long, desperate, and sanguinary struggle, and it would be neither politic nor patriotic ever again to invoke a new trial of the fearful issue.

The clemency which President Johnson has so generously extended . . in granting full and free pardon for participation in the late revolution, does honor to his statesmanship and to his sense of justice. He is the ruling power of a great and triumphant Government, and by his policy will attach by cords stronger than "triple steel" the citizens of one entire section of the Union to that Government which he has . . supported and maintained. He was well acquainted with the South — with her politics and politicians, and knew . . that they honestly entertained the sentiments which they professed, and for

which they perilled their all; and after failing in the end, when they proposed to return to their loyalty, that humanity and policy dictated that they should not be hunted down for ignominious punishment. . .

The war decided second: That slavery should be totally and absolutely exterminated in all the States of the Union. The Convention of this State, with singular unanimity and promptness, accepted the result of the issue made, and declared in the fundamental law "that slaves having been emancipated by the action of the United States authorities, slavery should never be reëstablished in this State."

The Effects of the Test Oath

House Ex. Doc. no. 81, 39 Cong., 1 Sess. Hugh McCulloch, Secretary of the Treasury, to the President, March 19, 1866. [1866]

I AM well satisfied that it will be difficult, if not impossible, to find competent men at the south to fill the revenue offices, who can qualify under the statute. . . In the progress of the rebellion very few persons of character and intelligence in most of these States failed . . to participate in the hostilities, or to connect themselves with the insurgent government. This is almost universally true of the young men, who are expected to fill the clerkships and other inferior places in the revenue service. . . For those offices that must soon become vacant if Congress should not deem it to be safe or proper to modify the oath, I am at a loss to know where the right men are to be obtained, or how the revenues in many of the southern districts are to be collected. . . There are still some applicants for office in the southern States who present what they call "a clean record for loyalty," but, with rare exceptions, they are persons who would have been able to present an equally fair record for place under the confederate government if the rebellion had been a success, or persons lacking the qualifications which are needed in revenue positions. . .

I do not consider it advisable for the government to attempt to collect taxes in the southern States by the hands of strangers. . . It would be better for the country, politically and financially, to suspend the collection of internal revenue taxes in the southern States, except in commercial cities, for months, if not for years to come, rather than to undertake to collect them by men not identified with the tax-payers in sympathy or in interest. . .

It is difficult to conceive of a more unfortunate course for the government of the United States to pursue than to make tax-gatherers at the south of men who are strangers to the people.

The "Iron Clad" Test Oath

Statutes at Large, vol. xii, p. 502. This oath was modified for members of Congress in 1868, for jurors June 30, 1879, and May 13, 1884, and finally all of it was repealed on June 6, 1898. There are some laws still on the statute book keeping in force the principles of this oath. See *Revised Statutes*, sec. 5334. [July 2, 1862]

Be it enacted, . . That hereafter every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reserva-

tion or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God;" which said oath, so taken and signed, shall be preserved among the files of the court, House of Congress, or Department to which the said office may appertain. And any person who shall falsely take the said oath shall be guilty of perjury, and on conviction, in addition to the penalties now prescribed for that offence, shall be deprived of his office and rendered incapable forever after of holding any office or place under the United States.

The Alabama Legislature on the State of the Union

Acts of Alabama, 1865-1866, p. 606. Passed after Congress had refused to accept the President's work of restoration.

[February 22, 1866]

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the people of Alabama, and their representatives here assembled, cordially approve the policy pursued by Andrew Johnson, President of the United States, in the reorganization of the Union. We accept the result of the late contest, and do not desire to renew what has been so conclusively determined; nor do we mean to permit any one subject to our control to attempt its renewal, or to violate any of our obligations to the United States Government. We mean to coöperate in the wise, firm, and just policy adopted by the President, with all the energy and power we can devote to that object.

2. That the above declaration expresses the sentiments and purposes of our people, and we denounce the efforts of those who represent our views and intentions to be different, as cruel and criminal assaults on our character and our interests. It is one of the misfortunes of our present political condition that we have among us persons whose interests are temporarily promoted by such false representations: but we rely on the intelligence and integrity of those who wield the power of the United States Government for our safeguard against such malign influences.

3. That involuntary servitude, except for crime, is abolished, and ought not to be reëstablished, and that the negro race among us should be treated with justice, humanity and good faith, and every means that the wisdom of the Legislature can devise should be used to make them useful and intelligent members of society.

4. That Alabama will not voluntarily consent to change the adjustment of political power, as fixed by the Constitution of the United States, and to constrain her to do so in her present prostrate and helpless condition, with no voice in the councils of the nation, would be an unjustifiable breach of faith; and that her earnest thanks are due to the President for the firm stand he has taken against amendments of the Constitution, forced through in the present condition of affairs.

The Legal End of the War

Richardson, *Messages and Papers*, vol. vi, p. 431. Proclamation of President Johnson, April 2, 1866. Texas was excepted until August 20, 1866. [1866]

AND whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of the said States are well and loyally disposed, and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States, prohibiting slavery within the limits and jurisdiction of the United States:

And whereas, in view of the before recited premises, it is the manifest determination of the American people that no State, of its own will has the right or power to go out of, or separate itself from, or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States;

And whereas the people of the several before mentioned States have, in the manner aforesaid, given satisfactory evidence

that they acquiesce in this sovereign and important resolution of national unity;

And whereas it is believed to be a fundamental principle of government that people who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to prevent them from ever again doing harm as enemies, which last named policy is abhorrent to humanity and freedom;

And whereas the Constitution of the United States provides for constituent communities only as States and not as Territories, dependencies, provinces, or protectorates;

And whereas such constituent States must necessarily be and by the constitution and laws of the United States are made equals and placed upon a like footing as to political rights, immunities, dignity, and power, with the several States with which they are united;

And whereas the observance of political equality as a principle of right and justice is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance;

And whereas standing armies, military occupation, military law, military tribunals, and the suspension of the privilege of the writ of habeas corpus are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion;

And whereas the policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, has been in conformity with the principles herein set forth and enumerated:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded.

A Southern Opinion of the "Johnson" Governments

MS. Letter of Wade Hampton to Andrew Johnson. [1866]

HAVING acceded to the terms laid down by your Excellency, they supposed that they would be restored to all their rights as citizens of the U. S. and they believed fully — whether justly or not — that they were entitled to receive these rights, their allegiance to the Government being renewed and all their duties to it being . . exacted, but the construction which the South placed upon the covenant which had been made, seems not to have been the one received by the authorities at Washington, for no sooner had the South conformed to the terms of your Proclamation than other conditions were imposed. . . First, she found all her state authorities set aside — her Governors imprisoned — her legislatures broken up — her Judiciary suppressed — her press muzzled — her Temples closed — all by the arbitrary hand of military power. Then came the appointment of Presidential Governors, an anomaly heretofore unknown in a Government composed of states which were once supposed to possess some at least of the attributes of sovereignty. By the exercise of an authority . . — whence derived has never been clearly explained — these Presidential Governors called conventions in their several states and new Legislatures were ordered to be chosen. These conventions, once the highest tribunals recognized by sovereign states, the great High Courts of a free people — met, registered the decrees framed at Washington and disappeared. After an existence as inglorious as it was brief, "unwept, unhonored and unsung" each convention was followed by its own bastard offspring, the Legislature of its creation, a political "nullius filius" — a body somewhat "after the order of Melchesidec, without father, without mother, without descent," fit successors of most unhonored predecessors. I speak of these bodies in

their political and collective capacity, not of the individuals composing them, for that these latter were actuated in most instances by the highest patriotism is evidenced by the fact that for the sake of the country, they consented to serve in Mr. Seward's Legislatures. When these Legislatures met in what was literally "extraordinary session" what a spectacle was presented! In these halls where once the free representatives of sovereign states were wont to discuss the highest questions of polity, all subjects were strictly tabooed save such as were dictated from Washington, and it required no great stretch of imagination to fancy that one heard in the votes but the echoes of Mr. Seward's "little bell." The telegraph lines offered a ready means by which that manipulator could use to its fullest extent his "judicious admixture of pressure and persuasion," and under this new but convenient system the proceedings of the Legislatures consisted solely in recording the dicta of the Supreme Justice in Washington.

3. OPPOSITION OF CONGRESS

Congress Rejects the President's Work

Statutes at Large, vol. xiv, p. 27. Passed over the President's veto it was later incorporated in the Fourteenth Amendment. This was the first important measure passed over Johnson's veto. The next was the Freedmen's Bureau Act. [April 9, 1866]

Resolved by the Senate and House of Representatives in Congress assembled, That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall enquire into the conditions of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise; and until such report shall have been made and finally acted upon by Congress, no member shall be received into either House from any of the said so-called Confederate States; and all papers relating to the representation of the said States shall be referred to the said committee without debate.

Civil Rights Act of 1866

Statutes at Large, vol. xiv, p. 27. Passed over the President's veto on April 6 by the Senate and on April 9 by the House. In principle it was later incorporated in the Fourteenth Amendment. This was the first important measure passed over Johnson's veto. The next was the Freedmen's Bureau Act. [April 9, 1866]

Be it enacted, . . That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of

person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Sec. 2. . . Any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Sec. 3. . . The district courts of the United States . . shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court, against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a Bureau for the relief of Freedmen and Refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court. . . The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United

States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statute of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of said cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

Sec. 4. . . The district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, . . to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offense. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States, and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties con-

ferred on them by this act, and the same duties with regard to offenses created by this act, as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

Sec. 5. . . It shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the persons upon whom the accused is alleged to have committed the offense. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other such process as may be issued by them in the lawful performance of their respective duties: and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and such warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

Sec. 6. . . Any person who shall knowingly and wilfully obstruct, hinder or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or

attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall for either of said offenses, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offense may have been committed, or before the proper court or criminal jurisdiction, if committed within any one of the organized Territories of the United States.

Sec. 7. [Relates to fees, etc.]

Sec. 8. . . Whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

Sec. 9. . . It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

Sec. 10. . . Upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

The Restoration of Tennessee

Statutes at Large, vol. xiv, p. 364. The attitude of Congress toward the President's plans is shown in the preamble. [July 24, 1866]

Whereas, in the year eighteen hundred and sixty-one, the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State in pursuance of an act of Congress were declared to be in a state of insurrection against the United States; and whereas said State government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States; and whereas the people of said State did, on the twenty-second day of February, eighteen hundred and sixty-five, by a large popular vote, adopt and ratify a constitution of government whereby slavery was abolished, and all ordinances and laws of secession and debts contracted under the same were declared void; and whereas a State government has been organized under said Constitution which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the thirty-ninth Congress, and has done other acts proclaiming and denoting loyalty; therefore,

Be it resolved, . . That the State of Tennessee is hereby restored to her former proper, practical relations to the Union, and is again entitled to be represented by senators and representatives in Congress.

4. MILITARY GOVERNMENT, 1865-1866

War Department Archives. The following general orders will illustrate the activity of the army before and during the existence of the governments set up by the President. [1865-1866]

[G. O. No. 5, Military Division of the James, May 3, 1865. Gen. Halleck]

I. A Court of Conciliation, consisting of three Arbitrators will be established in the city of Richmond.

II. This Court will arbitrate such cases as may be brought before it in regard to the right of possession of property, both personal and real, and to the payment of rents and debts, where contracts were made upon the basis of confederate currency, which now has no legal existence. This Court will take no jurisdiction of questions of title to property, nor will its decision be any bar to legal remedies when the civil laws and civil courts are re-established.

III. The Court will issue the regular process for the attendance of parties and witnesses and the execution of its decisions; appoint its clerks and other officers; and adopt rules for its proceedings. The fees charged will be simply sufficient to pay its expenses. Any surplus will be given to the poor. All parties bringing suit in this Court, and all attorneys and agents appearing for them, will be required to take the amnesty oath. No fees will be charged the poor.

IV. In its decisions the Court will be governed by the principles of equity and justice. All alike, white and colored, will be allowed the benefit of its jurisdiction. All proceedings will be simple and brief, and directed solely to ascertaining and securing exact justice.

V. The Provost Marshal will refer to this Court all questions which come properly within the jurisdiction, and will adopt its decisions so far as concerns the disposition of property belonging to private parties, now in his hands.

VI. As soon as the civil courts are re-established the Court of Conciliation will cease its functions.

[*G. O. No. 98, Department of North Carolina, July 10, 1865. Gen. Ruger*]

Sufficient time having elapsed for all those formerly officers in the so-called confederate service to remove all badges, military buttons, braid, cord, or other articles designating rank, as required by good taste and a proper respect for the government of their country, it is directed that they now remove them.

All persons found with such articles on, five days after the publication of this order at any post, will have the same taken off them by the Provost Marshal (unless satisfactory evidence is furnished by the wearers of their ignorance of this order,) and will be detained in arrest for violation of the same. Commanders of Districts will circulate this order at once after receiving it, and cause particular information to be given to all persons known to wear such insignia.

[*G. O. No. 129, July 25, 1865. War Department. Secretary of War*]

To secure equal justice and the same personal liberty to the freedmen as to other citizens and inhabitants, all orders issued by post, district, or other commanders, adopting any system of passes for them or subjecting them to any restraints or punishments not imposed on other classes, are declared void.

Neither whites nor blacks will be restrained from seeking employment elsewhere when they cannot obtain it at a just compensation at their homes, and when not bound by voluntary agreement; nor will they be hindered from traveling from place to place on proper and legitimate business.

[*G. O. No. 102, Department of the South, July 27, 1865. Gen. Q. A. Gilmore*]

V. The [Provost] courts . . shall have power to try all cases between citizens, and between citizens and soldiers, and all crimes and all violations of military orders and the laws of the United States which do not come within the jurisdiction of a

court martial, and to issue the regular process for the attendance of witnesses, and decrees for the possession of property, and for the payment of debts, damages and costs. The decrees will go only to the right of possession and not of property. They may impose fines not exceeding one hundred dollars . . and imprisonment not exceeding two months. Offenses by citizens requiring a severe punishment, will be tried by a military commission. They will appoint their clerks and their officers, shall keep a record of their proceedings subject to the revision of subdistrict and higher commanders, and will adopt rules and forms of procedure, which shall be as simple as possible. Citizen members of courts may be allowed three dollars for each days' attendance. The fees charged will be merely sufficient to pay all expenses.

VI. Appeals from the Provost Courts will be had to the sub-district and district commanders, under such rules and on such terms as the district commanders may provide.

VII. All parties to suits before the . . Provost Courts may employ counsel. But all persons bringing suit or appearing as counsel before said courts, as well as the citizen members of said courts, will be required to give proof that they have taken the oath of allegiance.

[*Secretary Stanton to Gen. G. H. Thomas at Nashville, August 8, 1865*]

GENERAL: It having been determined by the Government to relinquish control over all railroads . . that have been in charge of, and are now occupied by the United States Military authorities, and no longer needed for military purposes, you are hereby authorized and directed to turn over the same to the respective owners thereof, at as early a date as practicable, causing in all cases of transfer as aforesaid, the following regulations to be observed and carried out:

1. Each and every Company will be required to re-organize, and elect a Board of Directors, whose loyalty shall be established to your satisfaction.

2. You will cause to be made out in triplicate, by such

person or persons, as you may indicate, a complete inventory of the rolling stock, tools, and other materials and property on each road.

3. Separate inventories will be in the same manner made of the rolling stock, and other property originally belonging to each of said roads, and that furnished by and belonging to the Government.

4. Each Company will be required to give bonds satisfactory to the Government, that they will in twelve months from the date of transfer, as aforesaid, or such other reasonable time as may be agreed upon, pay a fair valuation for the Government property turned over to said companies, the same being first appraised by competent and disinterested parties, at a fair valuation, the United States reserving all Government dues for carrying mails, and other service performed by each Company, until said obligations are paid; and if, at the maturity of said debt, the amount of Government dues retained as aforesaid does not liquidate the same, the balance is to be paid by the Company in money.

5. Tabular statements will be made of all expenditures by the Government for repairing each road, with a full statement of receipts from private freights, passage, and other sources; also a full statement of all transportation performed on Government account, giving the number of persons transported, and amount of freight, and the distance carried in each case, all of said reports or tabular statements to be made in triplicate; one each for the Secretary of War, the Military Head-Quarters of the Department, and the Railroad Company.

6. All railroads in Tennessee will be required to pay all arrearages of interest due on the bonds issued by that State prior to the date of its pretended secession from the Union, to aid in the construction of said roads, before any dividends are declared or paid to the stockholders thereof.

7. Buildings erected for government purposes on the line of railroads, and not valuable or useful for the business of said companies, should not form a legitimate charge against such companies, nor should they be charged for rebuilding houses, does not liquidate the same, the balance is to be paid by the

bridges, or other structures, which were destroyed by the Federal army.

[*G. O. No. 1, Department of South Carolina, January 1, 1866. Gen. D. E. Sickles*]

. . II. All laws shall be applicable alike to all the inhabitants. No person shall be held incompetent to sue, make complaint, or to testify, because of color or caste.

III. All the employments of husbandry or of the useful arts, and all lawful trades or callings, may be followed by all persons, irrespective of color or caste; nor shall any freedmen be obliged to pay any tax or any fee for a license, nor be amenable to any municipal or parish ordinance, not imposed upon all other persons. . .

IV. . . No person will be restrained from seeking employment when not bound by voluntary agreement, nor hindered from travelling from place to place on lawful business. All combinations or agreements which are intended to hinder . . the employment of labor — or to limit compensation for labor — or to compel labor to be involuntarily performed in certain places or for certain persons; as well as all combinations or agreements to prevent the sale or hire of lands or tenements, are declared to be misdemeanors; and any person or persons convicted thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment, not to exceed six months, or by both such fine and imprisonment. . .

VI. Freed persons unable to labor, by reason of age, or infirmity, and orphan persons of tender years, shall have allotted to them by the owners suitable quarters on the premises where they have been heretofore domiciled as slaves, until adequate provision approved by the General Commanding, be made for them by the State or local authorities, or otherwise; and they shall not be removed from the premises, unless for disorderly behavior, misdemeanor, or other offense committed by the head of a family or a member thereof.

VII. Ablebodied freedmen, when they leave the premises in which they may be domiciled, shall take with them and pro-

vide for such of their relatives, as, by the laws of South Carolina, all citizens are obliged to maintain.

VIII. When a freed person, domiciled on a plantation, refuses to work there, after having been offered employment by the owner or lessee, on fair terms, approved by the agent of the Freedmen's Bureau, such freedman or woman, shall remove from the premises within ten days after such offer, and due notice to remove by the owner or occupant.

IX. When ablebodied freed persons are domiciled on premises where they have been heretofore held as slaves, and are not employed thereon or elsewhere, they shall be permitted to remain, on showing to the satisfaction of the Commanding officer of the Post that they have made diligent and proper efforts to obtain employment. . .

XI. Any person employed or domiciled on a plantation or elsewhere, who may be rightfully dismissed by the terms of agreement, or expelled for misbehavior, shall leave the premises, and shall not return without consent of the owner or tenant thereof. . .

XIII. The vagrant laws of the State of South Carolina, applicable to free white persons, will be recognized as the only vagrant laws applicable to freedmen. . .

XV. The proper authorities of the State in the several municipalities and Districts, shall proceed to make suitable provisions for their poor, without distinction of color; in default of which, the General Commanding will levy an equitable tax on persons and property sufficient for the support of the poor.

XVI. The constitutional rights of all loyal and well disposed inhabitants to bear arms, will not be infringed; nevertheless this shall not be construed to sanction the unlawful practice of carrying concealed weapons; nor to authorize any person to enter with arms on the premises of another without his consent. No one shall bear arms who has borne arms against the United States, unless he shall have taken the Amnesty oath prescribed in the Proclamation of the President of the United States, dated May 29th, 1865, or the Oath of Allegiance, prescribed in the

Proclamation of the President, dated December 8th, 1863, within the time prescribed therein. . .

XVII. . . No penalties or punishments different from those to which all persons are amenable, shall be imposed on freed people; and all crimes and offenses which are prohibited under existing laws, shall be understood as prohibited in the case of freedmen; and if committed by a freedman, shall, upon conviction, be punished in the same manner as if committed by a white man.

XVIII. Corporal punishment shall not be inflicted upon any person other than a minor, and then only by the parent, guardian, teacher, or one to whom said minor is lawfully bound by indenture of apprenticeship. . .

[*G. O. No. 3, War Department, Adjutant General's Office, Gen. Grant, January 12, 1866*]

Military Division and Department Commanders, whose commands embrace, or are composed of, any of the late rebellious States, and who have not already done so, will at once issue and enforce orders protecting from prosecution or suits in the State or Municipal Courts of such States, all officers and soldiers of the armies of the United States, and all persons thereto attached, or in any wise thereto belonging, subject to military authority, charged with offences for acts done in their military capacity or pursuant to orders from proper military authority; and to protect from suit or prosecution all loyal citizens or persons charged with offences done against the rebel forces, directly or indirectly, during the existence of the rebellion, and all persons, their agents or employees, charged with the occupancy of abandoned lands or plantations, or the possession or custody of any kind of property whatever, who occupied, used, possessed, or controlled the same, pursuant to the order of the President, or any of the Civil or Military Departments of the Government, and to protect them from any penalties or damages that may have been or may be pronounced or adjudged in said Courts in any such cases; and also protecting colored persons from prosecutions in any of said States

charged with offenses for which white persons are not prosecuted or punished in the same manner and degree.

[*Gen. Grant to Gen. H. G. Wright of Department of Texas, February 17, 1866*]

You will please send to these Headquarters, as soon as practicable, and from time to time thereafter, such copies of newspapers published in your Department as contain sentiments of disloyalty and hostility to the Government in any of its branches, and state whether such paper is habitual in its utterances of such sentiments. The persistent publication of articles calculated to keep up a hostility of feeling between the people of different sections of the country, can not be tolerated. This information is called for with a view to their suppression, which will be done from these Headquarters only.

[*G. O. No. 6, Military Division of the Tennessee, February 21, 1866. Gen. Thomas*]

The officers of the Treasury Department of the United States, charged with the collection of Direct Taxes and Internal Revenues in the several States composing this Military Division, having been, by reason of the refusal of certain individuals to cancel their just indebtedness to the Government, repeatedly compelled to invoke the aid and assistance of military authority in the full performance of their duties — it is hereby ordered, that hereafter any and all persons neglecting or refusing to pay to the proper officers such . . [taxes] shall be liable to arrest and trial before a military commission.

[*G. O. No. 44, July 6, 1866. Gen. Grant*]

Department, District, and Post Commanders in the States lately in rebellion are hereby directed to arrest all persons who have been or may hereafter be charged with the commission of crimes and offenses against officers, agents, citizens, and inhabitants of the United States, irrespective of color, in cases where the civil authorities have failed, neglected, or are unable to arrest and bring such parties to trial, and to detain them in

military confinement until such time as a proper judicial tribunal may be ready and willing to try them. A strict and prompt enforcement of this order is required.

[*G. O. No. 7, Department of the South, Charleston, September 1, 1866. Gen. Sickles*]

I. Organizations of white or colored persons bearing arms, or intended to be armed, not belonging to the military or naval forces of the United States, are unauthorized, and will not be allowed to assemble, parade, patrol, drill, make arrests or exercise any authority. This will not be construed to prohibit the lawful enrollment of the militia. . .

III. Associations or assemblages, composed of persons who served in the rebel forces, having for their object the perpetuation of any military or civil organization engaged in the rebellion, or the commemoration of any of the acts of the insurgents prior to the fatal surrender, will not be permitted. This prohibition will not be enforced against any society formed for a charitable purpose, which shall in good faith confine its action to the relief of the poor.

[*G. O. No. 15, Department of the South, Charleston, October 1, 1866. Gen. Sickles*]

I. The Civil Courts of the United States for South Carolina are open, and all cases of which they have legal cognizance will be remitted to them. Citizens held for trial for violation of the laws of the United States, will be surrendered to the custody of the United States Marshal, on proper warrant. Depositions, evidence and papers in such cases will be forwarded to the United States District Attorney for South Carolina.

II. The Courts of the State of South Carolina as now constituted and to be organized, are declared by law to be open to all persons, with equal civil rights therein, without distinction or discrimination in any particular, on account of color or former servitude. All cases, civil or criminal, in which the parties are civilians, will be turned over to the judicial tribunals of the State, having jurisdiction of the same. Civilians

in military custody, awaiting trial, for offenses against the laws of South Carolina, will be surrendered on proper warrant, to the custody of the Sheriff of the District in which the crime is charged to have been committed; and all depositions, proofs and papers in these cases will be transmitted to the Prosecuting Solicitor for the Circuit in which such District is situated.

III. Military Provost Courts will be discontinued in the several Districts as soon as District Courts shall be organized therein. . .

IV. The jails now in possession of the Military Authorities will be restored to the Sheriffs of the several Districts. Prisoners undergoing sentence of Military Courts, having less than thirty days of their terms of imprisonment unexpired, will be discharged. All other prisoners in Jails, undergoing sentence of Military Courts, will be sent under guard, with a brief statement of the case showing the offense and term of imprisonment, to the Commanding officer of the Post of Charleston, who will cause them to be confined in Castle Pinckney for the remainder of their respective terms of imprisonment.

5. NATIONAL POLITICS, 1866

Secretary Seward on the Questions at Issue

Annual Cyclopedia, 1866, p. 755. [1866]

EXCUSE me for expressing surprise that you ask me whether I approve of the call of a proposed National Union Convention at Philadelphia.

After more than five years of dislocation by civil war, I regard a restoration of the unity of the country as its most immediate as well as its most vital interest. That restoration will be complete when loyal men are admitted as representatives of the loyal people of the eleven States so long unrepresented in Congress. Nothing but this can complete it. Nothing more remains to be done, and nothing more is necessary. Every day's delay is attended by multiplying and increasing inconveniences, embarrassments, and dangers at home and abroad. Congress possesses the power exclusively; Congress after a session of seven months, still omits to exercise that power. "What can be done to induce Congress to act?" This is the question of the day. Whatever is done must be in accordance with the Constitution and laws. It is in perfect accordance with the Constitution and laws that the people of the United States shall assemble by delegates, in convention, and that when so assembled they shall address Congress by respectful petition and remonstrance, and that the people in their several States, districts, and Territories, shall approve, sanction, and unite in such respectful representations to Congress. No one party could do this effectually or even seems willing to do it, alone; no local or popular organization could do it effectually. It is the interest of all parties alike; of all the States, and of all sections — a national interest; the interest of the whole people.

Platform of National Union Party

McPherson, *History of Reconstruction*, p. 241. Adopted at Philadelphia. [August 14, 1866]

2. The war just closed has maintained the authority of the Constitution with all the powers with which it confers, and all

the restrictions which it imposes upon the General Government, unabridged and unaltered, and it has preserved the Union, with the equal rights, dignity, and authority of the States perfect and unimpaired.

3. Representation in the Congress of the United States, and in the electoral college is a right recognized by the Constitution as abiding in every State, and as a duty imposed upon the people, fundamental in its nature, and essential to the existence of our republican institutions, and neither Congress nor the General Government has any authority or power to deny this right to any State, or to withhold its enjoyment under the Constitution from the people thereof.

4. We call upon the people of the United States to elect to Congress as members thereof none but men who admit this fundamental right of representation, and who will receive to seats therein loyal representatives from every State in allegiance to the United States, subject to the constitutional right of each House to judge of elections, returns, and qualification of its own members.

5. The Constitution of the United States, and the laws made in pursuance thereof, are the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. All the powers not conferred by the Constitution upon the General Government, nor prohibited by it to the States, are reserved to the States, or to the people thereof; and among the rights thus reserved to the States, is the right to prescribe qualifications for the elective franchise therein, with which right Congress cannot interfere. No State or combination of States has the right to withdraw from the Union, or to exclude, through their action in Congress or otherwise, any other State or States from the Union. The Union of these States is perpetual.

6. Such amendments to the Constitution of the United States may be made by the people thereof as they may deem expedient, but only in the mode pointed out by its provisions; and in proposing such amendments whether by Congress or by a convention, and in ratifying the same, all the States of the

Union have an equal, and indefeasible right to a voice and a vote thereon.

7. Slavery is abolished and forever prohibited, and there is neither desire or purpose on the part of the Southern States that it should ever be reëstablished upon the soil, or within the jurisdiction of the United States; and the enfranchised States in all the States of the Union should receive, in common with all their inhabitants equal protection in every right of person and property.

8. While we regard as utterly invalid, and never to be assumed or made of binding force, any obligations incurred or undertaken in making war against the United States, we hold the debt of the nation to be sacred and inviolable; and we proclaim our purpose in discharging this, as in performing all other national obligations, to maintain unimpaired and unimpeached the honor and faith of the Republic.

9. It is the duty of the National Government to recognize the services of the Federal soldiers and sailors in the contest just closed, by meeting promptly and fully all their just and rightful claim for the services they have rendered the nation, and by extending to those of them who have survived and to the widows and orphans of those who have fallen, the most generous and considerate care.

10. In Andrew Johnson, President of the United States, who, in his great office, has proved steadfast in his devotion to the Constitution, the laws, and interest of his country, unmoved by persecution and undeserved reproach, having faith unassailable in the people and in the principles of free government, we recognize a chief magistrate worthy of the nation, and equal to the great crisis upon which his lot is cast; and we tender to him, in the discharge of his high and responsible duties, our profound respect and assurance of our cordial and sincere support.

Cleveland Convention Platform

McPherson, *History of Reconstruction*, p. 243. This convention was composed of Union soldiers and sailors who supported the administration. [September 17, 1866]

THE Union soldiers and sailors who served in the army and

navy of the United States in the recent war for the suppression of the insurrection, the maintenance of the Constitution, the Government, and the flag of the Union, . . determined now, as heretofore, to stand by the principles for which their glorious dead have fallen, and by which the survivors have triumphed, being assembled in National Mass Convention in the city of Cleveland, Ohio, . . do resolve and declare—

1. That we heartily approve the resolutions adopted by the National Union Convention held in the city of Philadelphia, . . composed of delegates representing all the States and Territories of the United States.

2. That our object in taking up arms to suppress the late rebellion was to defend and maintain the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and not in any spirit of oppression, nor for any purpose of conquest and subjugation; and that whenever there shall be any armed resistance to the lawfully constituted authorities of our national Union, either in the South or in the North, in the East or in the West, emulating the self sacrificing patriotism of our revolutionary forefathers, we will again pledge to its support "our lives, our fortunes, and our sacred honor."

Pittsburg Convention Resolutions

McPherson, *History of Reconstruction*, p. 247. These resolutions were introduced by Gen. B. F. Butler and adopted by the Soldiers and Sailors Convention at Pittsburg. [September 26, 1866]

RESOLVED, That the action of the present Congress in passing the pending constitutional amendment is wise, prudent, just. It clearly defines American citizenship, and guarantees all his rights to every citizen. It places on a just and equal basis the right of representation, making the vote of a man in one State equally potent with the vote of another man in any State. It righteously excludes from places of honor and trust the chief conspirators, guiltiest rebels, whose perjured crimes have drenched the land in fraternal blood. It puts into the very frame of our government the inviolability of the national debt

and the nullity forever of all obligations contracted in support of the rebellion.

2. That it is unfortunate for the country that these propositions have not been received in the spirit of conciliation, clemency, and fraternal feeling in which they were offered, as they are the mildest terms ever offered to subdued rebels.

3. That the President, as an executive officer, has no right to a policy as against the legislative department of the Government; that his attempt to fasten his scheme of reconstruction upon the country is as dangerous as it is unwise; his acts in sustaining it have retarded the restoration of peace and unity; they have converted conquered rebels into impudent claimants to rights which they have forfeited, and places which they have desecrated. If consummated, it would render the sacrifices of the nation useless, the loss of the lives of our buried comrades vain, and the war in which we have so gloriously triumphed, what his present friends at Chicago in 1864 declared to be a failure.

4. That the right of the conqueror to legislate for the conquered has been recognized by the public law of all civilized nations; by the operation of that law for the conservation of the good of the whole country, Congress has the undoubted right to establish measures for the conduct of the revolted States, and to pass all acts of legislation that are necessary for the complete restoration of the Union.

5. That when the President claims that by the aid of the army and navy he might have made himself dictator, he insulted every soldier and sailor in the Republic. He ought distinctly to understand that the tried patriots of this nation can never be used to overthrow civil liberty or popular government. . .

7. That the Union men of the South, without distinction of race or color, are entitled to the gratitude of every loyal soldier and sailor who served his country in suppressing the rebellion, and that in their present dark hours of trial, when they are being persecuted by thousands, solely because they are now, and have been, true to the Government, we will not

prove recreant to our obligations, but will stand by and protect with our lives, if necessary, those brave men who remain true to us when all around are false and faithless.

President Johnson's Cleveland Speech

Trial of Andrew Johnson, vol. I, pp. 333-335. The Cleveland *Herald* (Johnson paper) version. [September 3, 1866]

FELLOW-CITIZENS OF CLEVELAND: It is not for the purpose of making a speech that I came here to-night. I am aware of the great curiosity that exists on the part of strangers in reference to seeing individuals who are here amongst us. [Louder.] You must remember there are a good many people here to-night, and it requires a great voice to reach the utmost verge of this vast audience. I have used my voice so constantly for some days past that I do not know as I shall be able to make you all hear, but I will do my best to make myself heard.

What I am going to say is: There is a large number here who would like to see General Grant, and hear him speak, and hear what he would have to say; but the fact is General Grant is not here. He is extremely ill. His health will not permit of his appearing before this audience to-night. It would be a greater pleasure to me to see him here and have him speak than to make a speech of my own. So then it will not be expected that he will be here to-night, and you cannot see him on account of his extreme indisposition.

Fellow-citizens, in being before you to-night it is not for the purpose of making a speech, but simply to make your acquaintance, and while I am telling you how to do, and at the same time tell you good-bye. We are here to-night on our tour towards a sister State for the purpose of participating in and witnessing the laying of the chief corner stone over a monument to one of our fellow-citizens who is no more. It is not necessary for me to mention the name of Stephen A. Douglas to the citizens of Ohio. It is a name familiar to you all, and being on a tour to participate in the ceremonies, and passing through your State and section of country and witnessing the

demonstration and manifestation of regard and respect which has been paid me, I am free to say to you that so far as I am concerned, and I think I am speaking for all the company, when I say we feel extremely gratified and flattered at the demonstration made by the country through which we have passed, and in being flattered, I want to state at the same time that I don't consider that entirely personal, but as evidence of what is pervading the public mind, that there is a greater issue before the country, and that this demonstration of feeling is more than anything else an indication of a deep interest among the great mass of the people in regard to all these great questions that agitate the public mind. In coming before you to-night, I come before you as an American citizen, and not simply as your Chief Magistrate. I claim to be a citizen of the southern States, and an inhabitant of one of the States of this Union. I know that it has been said, and contended for on the part of some, that I was an alien, for I did not reside in any one of the States of the Union, and therefore I could not be Chief Magistrate, though the States declared I was.

But all that was necessary was simply to introduce a resolution declaring the office vacant or depose the occupant, or under some pretext to prefer articles of impeachment, and the individual who occupies the Chief Magistracy would be deposed and deprived of power.

But, fellow-citizens, a short time since you had a ticket before you for the Presidency and Vice-Presidency; I was placed upon that ticket, in conjunction with a distinguished fellow-citizen who is now no more. [Voice, "A great misfortune too."] I know there are some who will exclaim, "Unfortunate." I admit the ways of Providence are mysterious and unfortunate but uncontrollable by those who would exclaim unfortunate. I was going to say, my countrymen, but a short time since I was selected and placed upon a ticket. There was a platform prepared and adopted by those who placed me upon it, and now, notwithstanding all kinds of misrepresentation; notwithstanding since after the sluice of misrepresentation has been poured out; notwithstanding a subsidized gang of hirelings have tra-

duced me and maligned me ever since I have entered upon the discharge of my official duties, yet I will say had my predecessor have lived, the vials of wrath would have been poured out on him. [Cries of "Never, never, never."] I come here to-night in passing along, and being called upon, for the purpose of exchanging opinions and views as time would permit, and to ascertain if we could who was in the wrong.

I appear before you to-night and I want to say this: that I have lived and been among all American people, and have represented them in some capacity for the last twenty-five years. And where is the man living, or the woman in the community, that I have wronged, or where is the person that can place their finger upon one single hairbreadth of deviation from one single pledge I have made, or one single violation of the Constitution of our country? What tongue does he speak? What religion does he profess? Let him come forward and place his finger upon one pledge I have violated. [A voice, "Hang Jeff Davis."] [Mr. President resumes.] Hang Jeff Davis? Hang Jeff Davis? Why don't you? [Applause.] Why don't you? [Applause.] Have you not got the court? Have you not got the court? Have you not got the Attorney General? Who is your Chief Justice, and that refused to sit upon the trial? [Applause.] I am not the prosecuting attorney. I am not the jury. But I will tell you what I did do; I called your Congress that is trying to break up the government. [Immense applause.] Yes, did your Congress order hanging Jeff Davis? [Prolonged applause, mingled with hisses].

But, fellow-citizens, we had as well let feelings and prejudices pass; let passion subside; let reason resume her empire. In representing myself to you in the few remarks I intended to make, my intention was to address myself to your judgment and to your good sense, and not to your anger or the malignity of your hearts. This was my object in presenting myself on this occasion, and at the same time to tell you good-bye. I have heard the remark made in this crowd to-night, "Traitor, traitor!" [Prolonged confusion.] My countrymen, will you

hear me for my cause? For the Constitution of my country? I want to know when, where and under what circumstances Andrew Johnson, either as Chief Executive, or in any other capacity, ever violated the Constitution of his country. Let me ask this large and intelligent audience here to-night, if your Secretary of State, who served four years under Mr. Lincoln, who was placed under the butcher's blow and exposed to the assassin's knife, when he turned traitor. If I were disposed to play orator, and deal in declamation, here to-night, I would imitate one of the ancient tragedies we have such account of — I would take William H. Seward, and open to you the scars he has received. I would exhibit his bloody garment and show the rent caused by the assassin's knife. [Three cheers for Seward.] Yes, I would unfold his bloody garments here to-night and ask who had committed treason. I would ask why Jeff Davis was not hung? Why don't you hang Thad. Stevens and Wendell Phillips? I can tell you, my countrymen, I have been fighting traitors in the south, [prolonged applause,] and they have been whipped, and say they were wrong, acknowledge their error and accept the terms of the Constitution.

And now as I pass around the circle, having fought traitors at the south, I am prepared to fight traitors at the north, God being willing with your help ["You can't have it," and prolonged confusion] they would be crushed worse than the traitors of the south, and this glorious Union of ours will be preserved. In coming here to-night, it was not coming as Chief Magistrate of twenty-five States, but I come here as the Chief Magistrate of thirty-six States. I came here to-night with the flag of my country in my hand, with a constellation of thirty-six and not twenty-five stars. I came here to-night with the Constitution of my country intact, determined to defend the Constitution let the consequences be what they may. I came here to-night for the Union; the entire circle of these States. [A voice, "How many States made you President?"] How many States made me President? Was you against secession? Do you want to dissolve the Union? [A voice, "No."] Then I am President of the whole United States,

and I will tell you one thing. I understand the discordant notes in this audience here to-night. And I will tell you, furthermore, that he that is opposed to the restoration of the government and the Union of the States, is as great a traitor as Jeff. Davis, and I am against both of them. I fought traitors at the south; now I fight them at the north. [Immense applause.]

I will tell you another thing; I know all about those boys that have fought for their country. I have been with them down there when cities were besieged. I know who was with them when some of you, that talk about traitors, had not courage to come out of your closets, but persuaded somebody else to go.

Very courageous men! While Grant, Sherman, Farragut, and a long host of the distinguished sons of the United States were in the field of battle you were cowards at home; and now when these brave men have returned, many of them having left an arm or leg on some battle-field while you were at home speculating and committing frauds upon your government, you pretend now to have great respect and sympathy for the poor fellow who left his arm on the battle-field. I understand you, who talk about the duty of the President, and object to his speech of the 22d of July, [voice, "22d of February,"] — 22d of February. I know who have fought the battles of the country, and I know who is to pay for it. Those brave men shed their blood and you speculated, got money, and now the great mass of the people must work it out. [Applause and confusion.] I care not for your prejudices. It is time for the great mass of the American people to understand what your designs are in not admitting the Southern States when they have come to terms and even proposed to pay their part of the national debt. I say, let them come; and those brave men, having conquered them, and having prostrated them in the dust with the heel of power upon them, what do they say? [Voice, "What does General Butler say?"] General Butler? What does General Grant say? And what does General Grant say of General Butler? What does General

Sherman say? He says he is for restoration of the government; and General Sherman fought for it.

But fellow-citizens, let this all pass. I care not for malignity. There is a certain portion of our countrymen that will respect their fellow-citizen whenever he is entitled to respect, and there is another portion that have no respect for themselves, and consequently have none for anybody else. I know a gentleman when I see him. And furthermore, I know when I look a man in the face — [Voice, "Which you can't do."] I wish I could see you; I will bet now, if there could be a light reflected upon your face, that cowardice and treachery could be seen in it. Show yourself. Come out here where we can see you. If ever you shoot a man, you will stand in the dark and pull your trigger. I understand traitors; I have been fighting them for five years. We fought it out on the southern end of the line; now we are fighting in the other direction. And those men — such a one as insulted me to-night — you may say, has ceased to be a man, and in ceasing to be a man shrunk into the denomination of a reptile, and having so shrunken, as an honest man, I tread upon him. I came here to-night not to criminate or recriminate, but when provoked my nature is not to advance but to defend, and when encroached upon, I care not from what quarter it comes, it will find resistance, and resistance at the threshold. As your Chief Magistrate I have felt, after taking an oath to support the Constitution of my country, that I saw the encroachment of the enemy upon your sovereign rights. I saw the citadel of liberty intrenched upon and, as an honest man, being placed there as a sentinel, I have dared to sound the tocsin of alarm. Should I have ears and not hear; have a tongue and not speak when the enemy approaches?

And let me say to-night that my head has been threatened. It has been said that my blood was to be shed. Let me say to those who are still willing to sacrifice my life [derisive laughter and cheers], if you want a victim and my country requires it, erect your altar, and the individual who addresses you tonight, while here a visitor, ["No," "No," and laughter,]

erect your altar if you still thirst for blood, and if you want it, take out the individual who now addresses you and lay him upon your altar, and the blood that now courses his veins and warms his existence shall be poured out as a last libation to Freedom. I love my country, and I defy any man to put his finger upon anything to the contrary. Then what is my offence? [Voices, "You ain't a radical," "New Orleans," "Veto."] Somebody says "Veto." Veto of what? What is called the Freedmen's Bureau bill, and in fine, not to go into any argument here to-night, if you do not understand what the Freedmen's Bureau bill is, I can tell you. [Voice, "Tell us."] Before the rebellion there were 4,000,000 called colored persons held as slaves by about 340,000 people living in the South. That is, 340,000 slave owners paid expenses, bought land, and worked the negroes, and at the expiration of the year when cotton, tobacco, and rice were gathered and sold, after all paying expenses, these slave owners put the money in their pockets — [slight interruption] — your attention — they put the property in their pocket. In many instances there was no profit, and many came out in debt. Well that is the way things stood before the rebellion. The rebellion commenced and the slaves were turned loose. Then we come to the Freedmen's Bureau bill. And what did the bill propose? It proposed to appoint agents and sub-agents in all the cities, counties, school districts, and parishes, with power to make contracts for all the slaves, power to control, and power to hire them out — dispose of them, and in addition to that the whole military power of the government applied to carry it into execution.

Now [clamor and confusion] I never feared clamor. I have never been afraid of the people, for by them I have always been sustained. And when I have all the truth, argument, fact and reason on my side, clamor nor affront, nor animosities can drive me from my purpose.

Now to the Freedmen's Bureau. What was it? Four million slaves were emancipated and given an equal chance and fair start to make their own support — to work and produce; and having worked and produced, to have their own property

and apply it to their own support. But the Freedmen's Bureau comes and says we must take charge of these 4,000,000 slaves. The bureau comes along and proposes, at an expense of a fraction less than $12,000,000 a year, to take charge of these slaves. You had already expended $3,000,000,000 to set them free and give them a fair opportunity to take care of themselves — then these gentlemen, who are such great friends of the people, tell us they must be taxed $12,000,000 to sustain the Freedmen's Bureau. [Great confusion.] I would rather speak to 500 men that would give me their attention than to 100,000 that would not. [With all this mass of patronage he said he could have declared himself dictator.]

The Civil Rights bill was more enormous than the other. I have exercised the veto power, they say. Let me say to you of the threats from your Stevenses, Sumners, Phillipses, and all that class, I care not for them. As they once talked about forming a "league with hell and a covenant with the devil," I tell you, my countrymen, here to-night, though the power of hell, death and Stevens with all his powers combined, there is no power that can control me save you the people and the God that spoke me into existence. In bidding you farewell here to-night, I would ask you with all the pains Congress has taken to calumniate and malign me, what has Congress done? Has it done anything to restore the Union of the States? But, on the contrary, has it not done everything to prevent it?

And because I stand now as I did when the rebellion commenced, I have been denounced as a traitor. My countrymen here to-night, who has suffered more than I? Who has run greater risk? Who has borne more than I? But Congress, factious, domineering, tyrannical Congress has undertaken to poison the minds of the American people, and create a feeling against me in consequence of the manner in which I have distributed the public patronage.

While this gang — this common gang of cormorants and bloodsuckers, have been fattening upon the country for the past four or five years — men never going into the field, who growl at being removed from their fat offices, they are great

patriots! Look at them all over your district? Everybody is a traitor that is against them. I think the time has come when those who stayed at home and enjoyed fat offices for the last four or five years — I think it would be more than right for them to give way and let others participate in the benefits of office. Hence you can see why it is that I am traduced and assaulted. I stood by these men who were in the field, and I stand by them now.

I have been drawn into this long speech, while I intended simply to make acknowledgments for the cordial welcome; but if I am insulted while civilities are going on I will resent it in a proper manner, and in parting here to-night I have no anger nor revengeful feelings to gratify. All I want now, peace has come and the war is over, is for all patriotic men to rally round the standard of their country, and swear by their altars and their God, that all shall sink together but what this Union shall be supported. Then in parting with you to-night, I hang over you this flag, not of 25 but of 36 stars; I hand over to you the Constitution of my country, though imprisoned, though breaches have been made upon it, with confidence hoping that you will repair the breaches; I hand it over to you, in whom I have always trusted and relied, and, so far, I have never deserted — and I feel confident, while speaking here to-night, for heart responds to heart of man, that you agree to the same great doctrine.

Then farewell! The little ill-feelings aroused here to-night — for some men have felt a little ill — let us not cherish them. Let me say, in this connection, there are many white people in this country that need emancipation. Let the work of emancipation go on. Let white men stand erect and free. [A voice, "What about New Orleans?"] You complain of the disfranchisement of the negroes in the southern States, while you would not give them the right of suffrage in Ohio to-day. Let your negroes vote in Ohio before you talk about negroes voting. Take the beam out of your own eye before you see the mote in your neighbor's eye. You are very much disturbed about New Orleans; but you will not allow the negro to vote in Ohio. . .

This is all plain; we understand this all. And in parting with you to-night, let me invoke the blessing of God upon you, expressing my sincere thanks for the cordial manner in which you have received me.

6. POLITICS IN THE SOUTH, 1866

The Politics of the Southern Soldiers

Annual Cyclopedia, 1866, p. 759. Resolutions adopted by a convention of soldiers at Memphis. [1866]

Whereas, a convention of the Union Soldiers and Sailors, are now in session in the city of Cleveland, Ohio, having under consideration the best mode in which to restore the Union of these States and to cement that bond of fraternal friendships so sundered by the late war; and

Whereas, we, the soldiers of the late army of the Confederate States feeling and being in sympathy with the movement of our late adversaries to restore our country to its former state of peace, happiness, and prosperity; and

Whereas, we believe that our stern advocacy of the principle for which we conscientiously struggled during a period of four years will be rather a recommendation of our sincerity, and honorable purposes to the brave soldiers of the Union; therefore,

Resolved, That we have seen with pleasure the movements made by the soldiers and sailors of the Union, for the preservation of which they have so long fought; and that we have no fears that wrong or injustice will be done to us by those we have learned on the battle-field to respect as "foemen worthy of our steel." . .

We tender to them a soldier's pledge of our fidelity to the Government, of our assistance in the maintenance of law and order, and our earnest desire for the return of that day when the American people can say with truth they "know no North, no South, no East, and no West." . .

The charge that the life, liberty, or property of Northern men is unsafe or unprotected in the South is a slander which could only have emanated from the cowardly fears of "fireside heroes," or from the corrupt machinations of reckless office-holders, grown desperate at the approach of retributive justice, and the loss of power and place.

The Louisiana Democratic Platform

Annual Cyclopedia, 1865, p. 512. [October 2, 1865]

Whereas, The National Democratic party of the State of Louisiana, in general convention assembled, fully recognizing the fact of the issue, . . was made openly, manfully, and honorably, and that the decision having gone against them, and,

Whereas, We have now come forward in the same spirit of frankness and honor to support the Federal Government under the Constitution. Therefore,

Resolved, That we give our unqualified adhesion to the National Democracy of the United States, and that we recognize that party as the only agent by which radicalism can be successfully met, and this Government restored to its pristine purity and vigor.

Resolved, That we emphatically approve of the views of President Johnson with regard to the reorganization of the State Governments of the South, whereby the rights of the respective States are kept unimpaired, and in consequence of which these States are to regulate their institutions as freely and with the same guarantees and privileges as are enjoyed by any other State in the Union. . .

Resolved, That we hold this to be a Government of white people, made and to be perpetuated for the exclusive benefit of the white race; and in accordance with the constant adjudication of the United States Supreme Court, that people of African descent cannot be considered as citizens of the United States, and that there can, in no event, nor under any circumstances, be any equality between the white and other races.

Resolved, That while we announce emphatically our opinion that the Constitution of 1864 is the creation of fraud, violence, and corruption, and is not in any sense the expression of the sovereign will of the people of Louisiana, and while we believe that it should be repudiated and abolished as speedily as it can be done legally, yet, as the Government organized under it is a *de facto* Government, and the only *de facto* Government in the State of Louisiana; as the election about to be held is called under that Constitution, by an officer holding his position

under that Constitution; as the recognition of Governor J. Madison Wells by the President, Andrew Johnson, is to that extent a recognition of that Constitution and of the Government organized under it, and as this convention has no right to make or alter Constitutions or forms of government, we, therefore, recognize it as the existing Government, but recommend the calling of a convention of the people of the State at the earliest practicable period, for the purpose of adopting a Constitution expressing the will of the entire people of the State.

Resolved, That the institution of slavery having been effectually abolished in the Southern States, we consider it our right to petition Congress for compensation for all losses sustained by the emancipation policy. . .

Resolved, That we advocate the repeal of all ordinances and laws found to have been passed in Louisiana, and which are not in harmony with the Constitution and laws of the General Government, and which are not the deed of bodies constituted by the people at large. . .

We most earnestly and strongly appeal for an early general amnesty and prompt restitution of property; assured that thereby impending total ruin will be averted and the domestic tranquility of the Southern States successfully insured.

Resolved, That we invite all law-abiding citizens who agree with us upon the measures and principles above enumerated, without distinction of nationalities, to join us in our opposition to the Radical Republican party, whose tendency and aim are to centralize and consolidate a Government on the ruins of our State institutions.

Radical Politics in Virginia

Annual Cyclopedia, 1866, p. 766. Resolutions adopted by the Republican State Convention. [May, 1866]

Resolved, That no reorganized State Government of Virginia should be recognized by the Government of the United States which does not exclude from suffrage and holding office, at least for a term of years, all persons who have voluntarily given moral or material support to rebellion against the United

States, and which does not, with such disfranchisement, provide for the immediate enfranchisement of all Union men, without distinction of color. . .

Resolved, That while the late rebels affect to accept the situation, they not only hold the same opinion still in regard to [Secession], but openly advocate their views in that respect as a basis of party action in the future, as we believe for the purpose of accomplishing with votes what they have failed to accomplish with bayonets.

Speeches of a Radical Agitator

Annual Cyclopedia, 1866, pp. 451, 454. Speeches of Dr. Dostie, a radical leader of New Orleans. Dostie was killed in the riot that followed the re-assembling of the Convention of 1864. [January, 1866]

HE congratulated the people that the gigantic rebellion was crushed; that its leaders languished in prison, and that the country was restored to its former tranquillity, minus slavery and sectional feeling. The progressive age demanded the overthrow of a Southern aristocracy in the liberation of four millions of people, and the best blood of the land purchased it. . . They would be compelled to quit their political heresies as they had quitted the field. The Republican party could not endure to lose the precious boon of liberty at the hands of what is left of an insolent aristocracy. They stand upon the broad platform of an equality of rights. It is said that negro suffrage is impracticable owing to the ignorance of the race. The speaker went on to show how rapidly they were being educated, and with what avidity they sought after knowledge. . . In our beloved land, we have our Banks and our Butlers, and a hundred others, all worshippers at the altar of liberty and universal suffrage. The same is the opinion entertained by all great men abroad. In Brazil, in Jamaica, and the French West Indies, all free persons of whatever color, are allowed to vote. In five New England States negroes have been voting since the Revolutionary War. George Washington cast his ballot in the same box with a colored man. Thirty years ago in nearly every State colored men had a right to vote. . .

I want the negroes to have the right of suffrage, and we will give them this right to vote. There will be another meeting here to-morrow night, and on Monday I want you to come in your power. I want no cowards to come. I want only brave men to come, who will stand by us, and we will stand by them. Come, then, in your power to that meeting, or never go to another political meeting in this State. We have three hundred thousand black men with white hearts. Also one hundred thousand good and true Union white men, who will fight for and beside the black race against the hell-hound rebels, for now there are but two parties here. There are no copperheads now. Colonel Field, now making a speech inside, is heart and soul with us. He and others who would not a year ago speak to me, now take me by the hand. We are four hundred thousand to three hundred thousand, and can not only whip but exterminate the other party. Judge Abel with his grand jury may indict us. Harry Hayes, with his *posse comitatus,* may be expected there, and the police, with more than a thousand men sworn in, may interfere with the convention; therefore let all brave men, and not cowards, come here on Monday. There will be no such puerile affair as at Memphis, but, if interfered with, the streets of New Orleans will run with blood! The rebels say they have submitted and accept the situation, but want you to do the work and they will do the voting; and will you throw over them "the mantle of charity and oblivion?"

"We will! We will!" was the unanimous response of the excited throng, to which Dr. Dostie vehemently replied:

"No, by God! we won't. We are bound to have universal suffrage, though you have the traitor, Andrew Johnson, against you."

A Negro Politician in Florida

John Wallace, *Carpet Bag Rule in Florida,* p. 38. Wallace was a negro representative from Leon County in the Florida senate. [1866]

EARLY in 1866 it was reported that the freedmen would be enfranchised, and many of them thinking the right had already occurred, called a secret meeting for the election of a member

of Congress. The meeting was held at the A. M. E. Church in Tallahassee, and Joseph Oats, formerly a slave of Governor Walker, was unanimously elected. The next step was to raise money to send the newly elected Congressman to Washington. The money was forthcoming, as plenty of old men and women gave their last dollar to send one of their race to the National Congress. Seven hundred dollars were thus raised and given to Oats, who shortly afterwards was off to Congress. He remained away from Tallahassee until his money was gone, when he wrote back designating the time when he would return. . . The 20th of May, the day on which General McCook marched his troops into Tallahassee, and declared all the inhabitants to be free, was the day set apart for Oats to tell the freedmen the great work he had accomplished in Congress. . . Oats' speech was, that he had seen the President, and they had true friends at Washington etc. It was believed, however, that Oats did not go further than Savannah, where he had a good time, spent the freedmen's money, and returned home. After Oats had finished his story about the President, and his great labors in Congress the crowd set up their huzzas for half an hour and then sat down to a sumptuous dinner. Whisky was plentiful on the ground and was freely imbibed by the freedmen. A dispute arose among them as to where Oats had been. And the affair ended in a general knock down and drag out.

7. REJECTION OF THE FOURTEENTH AMENDMENT

Alexander H. Stephens on the Conditions of Reconstruction

Report of Joint Committee on Reconstruction, pt. III, p. 163. Stephens was Vice-President of the Confederate States. [1866]

I THINK the people of the State would be unwilling to do more than they have done for restoration. Restricted or limited suffrage would not be so objectionable as general or universal. But it is a matter that belongs to the State to regulate. The question of suffrage, whether universal or restricted, is one of State policy exclusively, as they believe. Individually I should not be opposed to a proper system of restricted or limited suffrage to this class of our population. . . The only view in their opinion that could possibly justify the war that was carried on by the federal government against them was the idea of the indissolubleness of the Union; that those who held the administration for the time were bound to enforce the execution of the laws and the maintenance of the integrity of the country under the Constitution. . . They expected as soon as the confederate cause was abandoned that immediately the states would be brought back into their practical relations with the government as previously constituted. They expected that the States would immediately have their representatives in the Senate and in the House; and they expected in good faith, as loyal men, as the term is frequently used — loyal to law, order, and the Constitution — to support the government under the Constitution. . . Towards the Constitution of the United States the great mass of our people were always as much devoted in their feelings as any people ever were towards any laws or people. . . They resorted to secession with a view of more securely maintaining these principles. And when they found they were not successful in their object in perfect good faith, as far as I can judge from meeting with them and conversing with them, looking to the future development of

their country, . . their earnest desire and expectation was to allow the past struggle . . to pass by and to co-operate with . . those of all sections who earnestly desire the preservation of constitutional liberty and the perpetuation of the government in its purity. They have been . . disappointed in this, and are . . patiently waiting, however, and believing that when the passions of the hour have passed away this delay in representation will cease. . .

My own opinion is that these terms ought not to be offered as conditions precedent. . . It would be best for the peace, harmony, and prosperity of the whole country that there should be an immediate restoration, an immediate bringing back of the States into their original practical relations; and let all these questions then be discussed in common council. Then the representatives from the south could be heard, and you and all could judge much better of the tone and temper of the people than you could from the opinions given by any individuals. . . My judgment, therefore, is very decided, that it would have been better as soon as the lamentable conflict was over, when the people of the south abandoned their cause and agreed to accept the issue, desiring as they do to resume their places for the future in the Union, and to look to the arena of reason and justice for the protection of their rights in the Union — it would have been better to have allowed that result to take place, to follow under the policy adopted by the administration, than to delay or hinder it by propositions to amend the Constitution in respect to suffrage. . . I think the people of all the southern States would in the halls of Congress discuss these questions calmly and deliberately, and if they did not show that the views they entertained were just and proper, such as to control the judgment of the people of the other sections and States, they would quietly . . yield to whatever should be constitutionally determined in common council. . . They feel very sensitively the offer to them of propositions to accept while they are denied all voice . . in the discussion of these propositions. . . They feel very sensitively that they are denied the right to be heard.

The Fourteenth Amendment Rejected in Florida

Annual Cyclopedia, 1866, p. 326. Report of a Committee of the legislature. [1866]

As the representatives of the people of the State of Florida, we protest that we are willing to make any organic changes of a thoroughly general character, and which do not totally destroy the nature of the government. We are willing to do anything which a generous conqueror even should demand. . . On the other hand, we will bear any ill before we will pronounce our own dishonor. We will be taxed without representation; we will quietly endure the government of the bayonet; we will see and submit to the threatened fire and sword and destruction, but we will not bring, as a peace offering, the conclusive evidence of our own self-created degradation.

Our present relations with the general government are certainly of a strange character. Beyond the postal service, our people derive no benefit from our existence as a State in the Union. We are denied representation. . . We are at the same time subject to the most onerous taxation; the civil law of the State is enforced and obeyed only when it meets the approval of the local commander of the troops of the United States; the Congress of the United States enacts laws making certain lands subject to entry at a small cost by the colored portion of our population, and denies the like privilege to the white man. . .

We are, in fact, recognized as a State for the single and sole purpose of working out our own destruction and dishonor. . . We are recognized as a State for the highest purposes known to the Constitution, namely, its amendment; but we are not recognized as a State for any of the benefits resulting from that relation.

Arkansas Rejects the Fourteenth Amendment

Annual Cyclopedia, 1866, p. 27. Resolution of the legislature. [December 10, 1866]

1. It is not known, nor can it be, to the State of Arkansas, that the proposed amendment was ever acted upon by a Congress of such a character as is provided for by the Constitution, inasmuch as nearly one-third of the States were refused representation in the Congress which acted upon this amendment.

2. This proposed amendment was never submitted to the President for his sanction, as it should have been, according to the very letter of that Constitution under which Congress exists. . .

3. The great and enormous power sought to be conferred on Congress by the amendment, by giving to that body authority to enforce by appropriate legislation the provisions of the first article of said amendment, would, in effect, take from the States all control over their local and domestic concerns, and virtually abolish the States.

4. The second section seems, to the committee, an effort to force negro suffrage upon the States; and whether intended or not, it leaves the power to bring this about, whether the States consent or not; and the committee are of the opinion that every State Legislature should shrink from ever permitting the possibility of such a calamity.

5. The third section, as an act of disfranchisement which would embrace many of our best and wisest citizens, must, of necessity, be rejected by the people of Arkansas.

The President Opposes the Fourteenth Amendment

Trial of Andrew Johnson, vol. I, p. 271. The Alabama legislature after having rejected the Fourteenth Amendment was reconsidering it. The first telegram below was sent to the President from Montgomery, by ex-Governor L. E. Parsons. The second telegram contains the reply which resulted in the defeat of the amendment. [January 17, 1867]

[1]. Legislature in session. Efforts making to reconsider vote on constitutional amendments. Report from Washington says it is probable an enabling act will pass. We do not know what to believe. I find nothing here.

[2]. What possible good can be obtained by reconsidering the constitutional amendment? I know of none in the present posture of affairs; and I do not believe the people of the whole country will sustain any set of individuals in attempts to change the whole character of our government by enabling acts or otherwise. I believe, on the contrary, that they will eventually uphold all who have patriotism and courage to stand by the Constitution, and who place their confidence in the people. There should be no faltering on the part of those who are honest in their determination to sustain the several coördinate departments of the government in accordance with its original design.

A Southern Proposal for a Fourteenth Amendment

Johnson MSS. After rejecting the amendment proposed by Congress there was a movement in the South to suggest a Fourteenth Amendment that would be acceptable to the whites. After correspondence between the states in 1866-67, there was a meeting of Southern governors in Washington on February 4, 1867, which drew up drafts for the proposed amendment. One of these is given below. The Reconstruction Acts a month later put a stop to this movement. [1866-1867]

Resolved, by the General Assembly of North Carolina, that with a view to compose our present political troubles, and effect a complete restoration of the State to her former [*practical*][1] [constitutional][2] relations with the government of the United States, the following propositions be submitted to the [Congress of the United States],[2] National Legislature, the State of North Carolina hereby pledging herself to their adoption, completely and unreservedly, upon an assurance that [*upon her doing so*][1] [so soon as she shall have done so,][3] Senators and Representatives [of acknowledged allegiance to the Federal Government and][3] loyal to the Constitution of the United States shall be admitted to their seats by the respective Houses composing the Congress of the United States; and the State fully restored to all her [constitutional][3] relations as a member of the American Union. First, That the following article shall be adopted as an amendment to, and become a part of the Constitution of the State of North Carolina.

1. Words erased in original.
2. Words in pencil added by President Johnson.
3. Changes in red ink in same writing as draft.

ARTICLE —

Every male citizen, who has resided in this State for one year, and in the county in which he offers to vote six months immediately preceding the day of election, and who can read [the Declaration of Independence and the Constitution of the United States in the English language],[3] and write [his name],[3] or who may be the owner of two hundred and fifty dollars worth of taxable property shall be entitled to vote at all elections for Governor of the State, members of the Legislature and all other officers, the election of whom [*shall be with*][1] [may be by][3] the people of the State: *Provided* that no person [by reason of this article shall be excluded from voting][3] who has heretofore exercised the [*right of suffrage*][1] [elective franchise][3] under the Constitution [and laws][3] of this State, [*shall be excluded therefrom by reason of this Article*][1] [or who at the time of the adoption of this amendment may be entitled to vote under said Constitution and laws.][3]

Secondly. That as a guarantee of the good faith with which she proposes to carry out in every particular the provisions of the foregoing proposed amendment to her own State Constitution, and to secure certain other desirable ends [the State of North Carolina will assent to and][3] ratify the following amendment to the Constitution of the United States should [such amendment][3] be proposed by Congress, [and recommends that the same be proposed to the Legislatures of the Several States by the Congress of the U. States.][3]

ARTICLE 14

Section 1. [*The Union under the Constitution shall be perpetual. No State shall pass any law or ordinance to secede or withdraw from the Union, and any such law or ordinance shall be null and void.*][1] [No State under the Constitution has a right of its own will to renounce its place in, or to withdraw from the Union. Nor has the Federal Government any

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right to eject a State from the Union, or to deprive it of its equal suffrage in the Senate, or of representation in the House of Representatives. The Union under the Constitution shall be perpetual.] [3]

Section 2. The public debt of the United States authorized by law shall ever be held sacred and inviolate. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the government or authority of the United States.

Section 3. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the States in which they reside, and the Citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. No State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 4. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding the Indians not taxed. But when any State shall, on account of race or color, or previous condition of servitude, [*deny the right to vote*] [1] [deny the exercise of the elective franchise], [2] at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, members of the Legislature, and other officers elective by the people, to any of the male inhabitants of such State, being twenty-one years of age, and Citizens of the United States, then the entire [*race or color*] [1] class of persons so excluded from the [exercise of the] [2] elective franchise shall not be counted in the basis of representation.

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IV

RACE AND LABOR PROBLEMS:

"BLACK CODES"

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INTRODUCTION

To fix the position of four million emancipated blacks in the social order was one of the most important problems that confronted the Southern state governments in 1865, not only because of the inherent difficulties of the problem but because of the suspicious attitude of the victorious North, especially the radical politicians and the former abolitionists, toward the South in all things that concerned the negro.

Some kind of legislation for the freedmen was necessary in 1865-1866. The slave codes were obsolete; the few laws for the free negroes were not applicable to the present conditions; most laws and codes then in force were made expressly for whites. The task of the law makers was to express in the law the transition of the negroes from slavery to citizenship; to regulate family life, morals and conduct; to give the ex-slave the right to hold property, the right to personal protection, and the right to testify in courts; to provide for the aged and helpless and the orphans; to force the blacks to settle down, have homes, engage in some kind of work, and fulfill contracts; to provide for negro education which formerly had been forbidden; to prevent the exploitation of the ignorant blacks by unscrupulous persons, and to protect the whites in person and property from lawless blacks. In general the laws relating to whites were extended to the blacks, sometimes with slight modifications. But one principle was never lost sight of, viz., that the races were

unlike and unequal and should be kept separate. It was believed that in some matters laws should not be uniform for the two races. The laws making distinction of race are the ones usually called the "Black Laws" or the "Black Code." The sources of these laws are found in the ante-bellum laws for free negroes, in the Northern and Southern vagrancy laws, in the freedmen's codes of the West Indies, in the Roman law on freedmen, in pure theory to some extent, and to a great degree in the regulations for blacks made by the United States army and Treasury officials in 1862-1865, and in the Freedmen's Bureau rules. Theoretically the control of the blacks by the army, the Treasury Department, and the Bureau was almost absolute and if carried out would have transferred the control of the slave from the master to the United States government. The laws passed by the states were much the same but from a different point of view.

From the Southern point of view these laws in no way limited any rights of the blacks. They were simply an extension of rights not before possessed. The slave codes were superseded by white men's laws. Some of the laws bore more heavily on whites, others on blacks. This was true especially of the laws relating to standing in court — where the black had the advantage of the white. Most of the laws usually called "Black Laws" make no distinction of races. As a rule the states that acted first in 1865 made the wider distinction between the races. The laws of 1866 bestow more privileges than those of 1865. This legislation was severely criticised by the Northern politicians and served as a convenient issue in the campaign of 1866. The criticisms were generally to the effect that the laws were meant to re-enslave the blacks. It is noteworthy that President Johnson did not at all appreciate the importance of this problem of negro legislation. He seemed to think that the destruction of slavery left nothing else to be done. The legislatures that passed these laws were composed mainly of men of little experience, non-slaveholders, who had been Unionists or luke-warm Confederates. This fact will account for much of the crudeness of the early legislation. The laws would have been more liberal, but the general principles would have been the same had the legislatures been composed of the experienced popular leaders who were then disfranchised. The laws were never in force in any of the states; the Freedmen's Bureau suspended them until 1868, when the reconstructed governments repealed them.

Since the downfall of the Reconstruction régime, the essential parts of this legislation have been re-enacted in the Southern states, especially the laws relating to definition of race, to the separation of the races in schools and in public conveyances, and to the prohibition of intermarriage of the races. The labor, contract, and vagrancy laws are about the same, though now applying to both races.

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LABOR SITUATION: Burgess, p. 45; Fleming, p. 710; Garner, p. 133; Herbert, *The Solid South*, pp. 16, 30; Rhodes, vol. v, p. 558; Wallace, p. 28.

BLACK CODES: Bancroft, *Negro in Politics*, p. 8; Blaine, *Twenty Years of Congress*, vol. ii, p. 93; Burgess, p. 46; Chadsey, p. 43; Cox, *Three Decades*, ch. 26; Fleming, p. 378; Garner, p. 113; Herbert, pp. 31, 190, 238; Hollis, *Early Reconstruction Period in South Carolina*, p. 48; Reynolds, *Reconstruction in South Carolina*, p. 27; Rhodes, vol. v, p. 558; Wallace, p. 35; Woolley, *Reconstruction in Georgia*, p. 18.

1. DISCUSSION OF RACE AND LABOR PROBLEMS

C. G. Memminger on Race and Labor Problems

Johnson MSS. C. G. Memminger, Flat Rock, South Carolina, to President Johnson. Memminger was Confederate Secretary of the Treasury. [September 4, 1865]

I TAKE it for granted that this whole Southern Country accepts emancipation from Slavery as the condition of the African race; but neither the North nor the South have yet defined what is included in that emancipation. The boundaries are widely apart which mark on the one side, political equality with the white races, and on the other, a simple recognition of personal liberty. With our own race, ages have intervened between the advance from one of these boundaries to the other. No other people have been able to make equal progress, and many have not yet lost sight of the original point of starting. Great Britain has made the nearest approach; Russia has just started; and the other nations of Europe, after ages of struggle, are yet on the way from the one point to the other, none of them having yet advanced even to the position attained by England. The question now pending is, as to the station in this wide interval which shall be assigned to the African race. Does that race possess qualities, or does it exhibit any peculiar fitness which will dispense with the training which our own race has undergone, and authorize us at once to advance them to equal rights? It seems to me that this point has been decided already by the laws of the free States. None of them have yet permitted equality, and the greater part assert this unfitness of the African by denying him any participation in political power.

The Country then seems prepared to assign to this race an inferior condition; but the precise nature of that condition is yet to be defined, and also the Government which shall regulate it. I observe that you have already decided . . that the adjustment of the right of suffrage belongs to the State Governments, and should be left there. But this, as well as most of the other questions on this subject, rests upon the decision which shall be made upon the mode of organizing the labor of the

African race. The Northern people seem generally to suppose that the simple emancipation from slavery will elevate the African to the condition of the white laboring classes; and that contracts and competition will secure the proper distribution of labor. They see, on the one hand, the owner of land, wanting laborers, and on the other, a multitude of landless laborers without employment; and they naturally conclude that the law of demand and supply will adjust the exchange in the same manner as it would do at the North. But they are not aware of the attending circumstances which will disappoint these calculations.

The laborer in the Southern States . . occupies the houses of his employer, built upon plantations widely separate. The employment of a laborer involves the employment and support of his whole family. Should the employer be discontented with any laborers and desire to substitute others in their place, before he can effect that object, he must proceed to turn out the first with their entire families into the woods, so as to have houses for their successors. Then he must encounter the uncertainty and delay in procuring other laborers; and also the hostility of the laborers on his own plantation, which would probably exhibit itself in sympathy with the ejected families and combinations against himself. Should this occur at any critical period of the crop, its entire loss would ensue. Nor would his prospect of relief from other plantations be hopeful. On them arrangements will have been made for the year, and the abstraction of laborers from them would result in new disorganization. The employer would thus be wholly at the mercy of the laborer.

It may be asked why the laborer is more likely to fail in the performance of his contract than his employer. The reasons are obvious. The employer by the possession of property affords a guarantee by which the law can compel his performance. The laborer can offer no such guarantee, and nothing is left to control him but a sense of the obligation of the contract.

The force of this remedy depends upon the degree of conscientiousness and intelligence attained by the bulk of a people.

It is well known that one of the latest and most important fruits of civilization is a perception of the obligation of contracts. . . It would be vain, under any circumstances, to count upon such performance from an ignorant and uneducated population. But where that population is from constitution or habit peculiarly subject to the vices of an inferior race, nothing short of years of education and training can bring about that state of moral rectitude and habitual self constraint which would secure the regular performance of contracts. In the present case, to these general causes must be added the natural indolence of the African race, and the belief now universal among them that they are released from any obligation to labor. Under these circumstances the employer would have so little inducement to risk his capital in the hands of the laborer, or to advance money for food and working animals in cultivating a crop which, when reaped, would be at the mercy of the laborers, that he will certainly endeavor to make other arrangements. The effect will be the abandonment of the negro to his indolent habits, and the probable relapse of large portions of the country into its original forest condition. The two races, instead of exchanging mutual good offices, will inflict mutual evil on each other; and the final result must be the destruction or removal of the inferior race.

The appropriate remedy for these evils evidently points to the necessity of training the inferior race; and we are naturally led to look to the means which would be employed by our own race for the same purpose. The African is virtually in condition of the youth, whose inexperience and want of skill unfit him for the privileges of manhood. He is subjected to the guidance and control of one better informed. He is bound as an apprentice to be trained and directed; and is under restraint until he is capable of discharging the duties of manhood.

Such, it seems to me, is the proper instrumentality which should now be applied to the African race. The vast body are substantially in a state of minority. They have been all their lives subject to the control and direction of another; and at present are wholly incapable of self-government. Alongside of

them are their former masters, fully capable of guiding and instructing them, needing their labor, and not yet alienated from them in feeling. The great point to be obtained is the generous application by the one of his superior skill and resources, and their kindly reception by the other. This can be effected only by some relation of acknowledged dependence. Let the untrained and incapable African be placed under indentures of apprenticeship to his former master, under such regulations as will secure both parties from wrong; and whenever the apprentice shall have obtained the habits and knowledge requisite for discharging the duties of a citizen, let him then be advanced from youth to manhood and be placed in the exercise of a citizen's rights, and the enjoyment of the privileges attending such a change. . .

The Laws passed by the British Parliament on this subject, for the West India Colonies . . are founded upon this idea of apprenticeship. Such an adjustment of the relations of the two races would overcome many difficulties, and enable the emancipation experiment to be made under the most favorable circumstances. The experience of the British colonies would afford valuable means for improving the original plans; and no doubt the practical common sense of our people can, by amending their errors, devise the best possible solution of the problems, and afford the largest amount of good to the African race.

The only question which would remain would be as to the Government which should enact and administer these laws. Unquestionably the jurisdiction under the Constitution of the United States belongs to the States. This fact will most probably disincline the Congress to an early recognition of the Southern States upon their original footing under the Constitution, from the apprehension of harsh measures towards the former slaves. The difficulty would be obviated, if a satisfactory adjustment could be previously made of the footing upon which the two races are to stand. If by general agreement an apprentice system could be adopted in some form which would be satisfactory as well as obligatory, it seems to me that most of the evils now existing, or soon to arise, would be remedied; and that a fair start would be made in the proper direction. The details of the plan could be adjusted from the experience of the British Colonies; and if it should result in proving the capacity of the African race to stand upon the same platform with the white man, I doubt not but that the South will receive that conclusion with satisfaction fully equal to that of any other section.

The Negro Problem in Mississippi

Report of Joint Committee on Reconstruction, part III, p. 182. Message of Gov. B. G. Humphreys to the legislature.

[November 20, 1865]

By the sudden emancipation of over three hundred thousand slaves, Mississippi has imposed upon her a problem of vast magnitude, upon the proper solution of which depends the hopes and future prosperity and welfare of ourselves and of our children.

Under the pressure of federal bayonets, urged on by the misdirected sympathies of the world in behalf of the enslaved African, the people of Mississippi have abolished the institution of slavery, and have solemnly declared in their State constitution that "the legislature should provide by law for the protection and security of person and property of the freedmen of the State, and guard them and the State against any evils that may arise from the sudden emancipation." . . We must now meet the question as it is, and not as we would like to have it. The rule must be justice. The negro is free, whether we like it or not; we must realize that fact now and forever. *To be free, however, does not make him a citizen, or entitle him to social or political equality with the white man.* But the constitution and justice do entitle him to protection and security in his person and property. . .

In my humble judgment, no person, bond or free, under any form of government, can be assured of protection or security in either person or property, except through an independent and enlightened judiciary. The courts, then, should be open to the negro. But of what avail is it to open the courts, and

invite the negro to "sue and be sued," if he is not permitted to testify himself, and introduce such testimony as he or his attorney may deem essential to establish the truth and justice of his case? . .

As a measure of domestic policy, whether for the protection of the person or the property of the freedman, or for the protection of society, the negro should be allowed and required to testify for or against the white and black. . . There are few men living in the south who have not known many white criminals to go "unwhipped of justice" because negro testimony was not permitted in the courts. And now that the negro is no longer under the restraints and protection of his master, he will become the dupe and the "cat's paw" of the vile and the vicious white man who seeks his association, and will plunder our lands with entire security from punishment, unless he can be reached through negro testimony. It is an insult to the intelligence and virtue of our courts, and juries of white men, to say or suspect that they can not or will not protect the innocent, whether white or black, against . . any perjury of black witnesses.

The question of admitting negro testimony for the protection of their person and property sinks into insignificance by the side of the other great question of *guarding them and the State* against the evils that may arise from their sudden emancipation. What are the evils that have already arisen, against which we are to guard the negro and the State? The answer is patent to all — vagrancy and pauperism, and their inevitable concomitants, crime and misery, hang like a dark pall over a once prosperous and happy, but now desolate land.

To the guardian care of the Freedmen's Bureau has been entrusted the emancipated slaves. The civil law and the man outside of the Bureau have been deprived of all jurisdiction over them. . . Idleness and vagrancy have been the result. Our rich and productive fields have been deserted for the filthy garrets and sickly cellars of our towns and cities. From producers they are converted into consumers, and, as winter approaches, their only salvation from starvation and want is

federal rations, plunder and pillage. *Four years of cruel war conducted on principles of vandalism disgraceful to the civilization of the age, were scarcely more blighting and destructive on the homes of the white man, and impoverishing, degrading to the negro, than has resulted in the last six or eight months from the administration of this black incubus.* Many of the officers connected with that bureau are gentlemen of honor and integrity, *but they seem incapable of protecting the rights and property of the white man against the villanies of the vile and villanous with whom they are associated.*

How long this *hideous curse,* permitted of Heaven, is to be allowed to rule and ruin our unhappy people, I regret it is not in my power to give any assurance, further than can be gathered from the public and private declarations of President Johnson, that "the troops will all be withdrawn from Mississippi, when, in the opinion of the government, the peace and order and civil authority has been restored, and can be maintained without them." In this uncertainty as to what will satisfy the government of our loyalty and ability to maintain order and peace and civil government; our duty under the Constitution to guard the negro and the State from the evils arising from sudden emancipation must not be neglected. Our duty to the State, and to the freedmen, seems to me to be clear, and I respectfully recommend — 1st. That negro testimony should be admitted in our courts, not only for the protection of person and property of freedmen, but for the protection of society against the crimes of both races. 2d. That the freedmen be encouraged at once to engage in some pursuit of industry for the support of his family and the education of his children, by laws assuring him of friendship and protection. Tax the freedmen for the support of the indigent and helpless freedmen, and *then with an iron will and the strong hand of power take hold of the idler and the vagrant and force him to some profitable employment.* 3d. Pass a militia law that will enable the militia to protect our people against the insurrection, or any possible combination of vicious white men and negroes.

Reasons for Admitting Negro Testimony

John Wallace, *Carpet Bag Rule in Florida*, p. 13. Message of Gov. William M. Marvin to the Convention of Florida. [October 25, 1865]

HERETOFORE, the negro in a condition of slavery, was to a large extent under the power and protection of his master, who felt an interest in his welfare, not only because he was a dependent . . but because he was his property. Now he has no such protection, and unless he finds protection in the courts of justice he becomes the victim of every wicked, depraved and bad man, whose avarice may prompt him to refuse the payment of his just wages, and whose angry and revengeful passions may excite him to abuse and maltreat the helpless being placed by his freedom beyond the pale of protection of any kind. Much sensitiveness is felt in this and other Southern States upon the subject of the admissibility of negro testimony in courts of justice for or against white persons. . . Now that the negro is free, I do not feel any such sensitiveness. I do not perceive the philosophy or expediency of any rule of evidence which shuts out the truth from the hearing of the jury. It may be said that the intention of the rule is to shut out falsehood; but how can it be known to the jury whether the testimony be true or false until they have heard it and compared it with the other testimony in the case? The admission of negro testimony should not be regarded as a privilege granted to the negro, but as the right of the State, in all criminal prosecutions, to have his testimony . . to assist to establish the guilt of the accused, and it ought, reciprocally, to be the right of the accused to have such testimony to establish his innocence. But the question of the admissibility of negro testimony is merely incidental to the main subject, which is the duty of the State to protect the negro in the exercise and enjoyment of his rights of freedom. . . If the colored race in this country can be fully and fairly protected in the exercise and enjoyment of their newly acquired rights of freedom, then, in my judgment, they will be a quiet and contented people, unambitious of any political privileges, or of any participation in the affairs of the government. Protected in their persons and property, they

may be stimulated to be industrious and economical by a desire to acquire property in order to educate themselves and their children, and improve their physical, moral and intellectual condition. . .We may reasonably hope and believe that they will progress and improve in intelligence and civilization, and become . . the best free agricultural peasantry, for our soil and climate, that the world has ever seen.

Labor Problems in Florida

Report of Joint Committee on Reconstruction, part IV, p. 12. Address of outgoing Governor Marvin. [December 20, 1865]

IT appears to me that, by wise legislation and a just and impartial administration and enforcement of the laws which shall protect and secure all persons alike, without distinction of color, in all their just rights of person and property, and which shall give an easy and cheap remedy to the laborer for the collection of his wages, much may be done toward restoring confidence and kind feelings between the employer and the employed, and encouraging the industry of the country. Let the laborer be protected against impositions upon his ignorance in making his contract, so that he shall fully understand it, and let him feel fully assured that he has an easy and cheap remedy in the courts of law for the recovery of his wages if they should be unjustly withheld from him, and many white and colored persons will be inclined to enter into contracts to labor, who would not otherwise do so. It is all-important to the successful cultivation of corn and cotton that the planter should be able to rely at all times upon having a sufficient number of hands in his service to make and gather the crop. . . He must hire his laborers by the year, and it seems to me that in the present condition of the laboring force of this country, it is all-important to the interest of the country that he should have some security that the laborer will not leave his employment at a time when his services are most needed. The ordinary remedies known to the common law for the non performance of a contract to labor afford him no security, for the laborer, as a general thing, has no goods or chattels, lands or tenements, to levy upon under

an execution. . . What that remedy ought to be may tax the ingenuity of the legislature to devise, and perhaps it will only be learned by experience; but it appears to me that it would be wise for the legislature to provide, by law, that where the laborer has entered into a contract in writing before the judge of probate or a justice of the peace, to labor on a plantation for one year for wages or for a part of the crop, and the contract specifies the wages to be paid and the food to be given; that if the laborer abandons the service of his employer, or is absent therefrom two days without the leave of his employer, or fails without just cause in other important particulars to perform his part of the contract, that then he may be arrested by the proper tribunal, and, if found guilty on a hearing of the case, be sentenced to labor during the unexpired term, without pay, upon the highways, in a governmnent workshop, or upon a government plantation. . .

Much may be done, too, to stimulate the industry of the country and protect it against pauperism, by passing wise laws upon the subject of vagrants and providing for their employment. . .

The old and infirm, who are destitute and incapable of supporting themselves by labor, ought to be supported at the public expense. It would be inhuman and anti-Christian to leave them to perish, so long as we have the ability to prevent it. "The poor ye have with you always," said our Saviour. They are his gift or legacy to us, for the trial of our faith and charity. Let us accept the gift with grateful hearts, and do what we can for their support and comfort.

There are many children in this State, white and black, who are deprived of their parents, one or both, or whose parents are incapable of supporting or educating them as they ought to be. These should be apprenticed until they are twenty-one years of age. The law on this subject ought to be carefully guarded, so as to protect the apprentice against injustice or oppression. It ought to provide that the apprentice should be produced, if living, at least once a year before the tribunal that binds him out, which should be authorized to revoke the articles

of apprenticeship on account of any gross injustice or oppression of the master.

The Duty of the Whites to the Negroes

Report of Joint Committee on Reconstruction, part iv, p. 16. Inaugural address of Gov. D. S. Walker of Florida. [December 20, 1865]

I THINK we are bound by every consideration of duty, gratitude, and interest, to make these people as enlightened, prosperous, and happy as their new situation will admit. . . They have been attached to our persons and our fortunes, sharing with us all our feelings — rejoicing with us in our prosperity, mourning with us in our adversity. . . Not only in peace, but in war, they have been faithful to us. . . Our females and infant children [were left] almost exclusively to the protection of our slaves. They proved true to their trust. Not one instance of insult, outrage, or indignity has ever come to my knowledge. They remained at home and made provisions for our army. Many of them went with our sons to the army, and there, too, proved their fidelity, attending them when well, nursing them and caring for them when sick and wounded. We all know that many of them were willing, and some of them anxious, to take up arms in our cause. Although for several years within sound of the guns of the vessels of the United States for six hundred miles along our seaboard, yet scarcely one in a thousand left our . . service to take shelter and freedom under the flag of the Union. It is not their fault they are free; they had nothing to do with it; that was brought about by "the results and operations of the war."

But they are free. They are no longer our contented and happy slaves, with an abundant supply of food and clothing for themselves and families, and the intelligence of a superior race to look ahead and make all necessary arrangements for their comfort. They are now a discontented and unhappy people, many of them houseless and homeless, roaming about in gangs over the land, not knowing one day where the supplies for the next are to come from; exposed to the ravages of disease and famine; exposed to the temptations of theft and robbery . .

without the intelligence to provide for themselves when sick, and doomed to untold sufferings and ultimate extinction unless we intervene for their protection and preservation. .

Much has been said of late about the importance of white labor from Germany, Ireland, Italy, and other countries, and with proper limitations and restrictions I am in favor of it; but let us always remember that we have a laboring class of our own, which is entitled to the preference. It is not sufficient to say that white labor is cheaper. I trust we are not yet so far degraded as to consult interest alone. But interest alone would dictate that it is better to give these people employment, and enable them to support themselves, than to have them remain upon our hands as a pauper race; for here they are, and here . . they are obliged to stay. We must remember that these black people are natives of this country, and have a pre-emption right to be the recipients of whatever favors we may have to bestow. We must protect them, if not against the competition, at any rate against the exactions of white immigrants. They will expect our black laborers to do as much work in this climate as they have been accustomed to see white ones perform in more northern latitudes. We know that they cannot do it. They never did it for us as slaves, and the experience of the last six months shows that they will do no better as freedmen. . . But I fear those who may migrate hither from Europe or elsewhere will be unmindful of this fact. We ought not to forget it, and between foreign and black labor we ought always to give the preference to the latter when we can possibly make it available. And if we can offer sufficient inducements, I am inclined to think that the black man, as a field laborer, *in our climate,* will prove more efficient than the imported white.

We ought to encourage our colored people to virtue and industry by all means in our power. We ought to protect them in all their rights, both of person and property, as fully as we do the whites.

Negro Testimony in North Carolina

Senate Ex. Doc. no. 26, 39 Cong., 1 Sess., p. 52. Report of a committee of the North Carolina legislature. [January 22, 1866]

THE committee are aware that the great and radical changes occasioned by emancipation, in the fixed habits and customs of the people, cannot be truly estimated at once, and therefore they forbear . . to speculate by legislative anticipation, for such changes as may even probably become necessary in the course of time. . . They prefer to let the common law apply its flexible rules for human conduct to the new state of things, rather than frame for it rigid and perhaps misconceived legislation.

The general assembly will perceive that we have omitted all such punishments as the involuntary hiring out of persons of color, and also of whipping them, except in cases where white persons are thus punished.

There are comparatively few of the slaves lately freed who are honest; but this vice now so prevalent among them may be traced to other and more probable causes than any natural depravity peculiar to the negro race, which, by some physiologists, are declared to be naturally destitute of moral principles in a greater degree than any other people yet known. The committee have not regulated their code by this doctrine. And if it were true, there is the greatest necessity for correcting the natural obliquity by proper civil institutions wisely administered. That the race is not beyond the reach of a proper moral training, is evident from the many examples among them of sobriety, industry, and honesty. If it owed its depravity to the vicious nature peculiar to the race, we ought to be able by this time to trace some steps of improvement in the mixture of its blood with that of other races of men. The committee have not discovered, nor has it been maintained, that the mixed-blooded slave has been elevated in the moral virtue of the white race as he advanced toward it in color. . .

We recommend that the courts should be fully opened to the negro race, for protection and property, and all the rights of freedmen, by being heard as witnesses whenever these rights are in controversy. The enactment recommended allows their

evidence in civil cases only where the rights of person or property of persons of color would be precluded by the judgment or decrees made in those cases. And in criminal cases, only where violence, fraud, or injury charged to have been done by or on them is put directly in issue.

If the testimony is to be admitted, at all, it ought to be extended to such cases. The effect of thus limiting it will not deny them any advantages, but, on the contrary, will secure to them the most perfect protection that human evidence can afford. . . The result of allowing it to this extent will be, that when colored persons are parties they may call to the witness stand the whole population of the land not rendered incompetent by want of understanding, interest, or religious unbelief; while in cases where white persons are parties, white persons only will be competent witnesses.

The committee will proceed to give some of the reasons which have induced them to recommend the reception of the evidence of negroes. . .

First. The present helpless and unprotected condition of the race demands it.

Their condition of personal security is greatly changed. Prior to emancipation they were grouped on farms which they seldom left, and were overlooked by their masters or overseers, surrounded by families of white children.

They were not only watched by the whites to preserve the discipline necessary for servitude, and to prevent spoliations, but were cared for and protected as property. It was the slave-holder's interest to prevent, and, when committed to punish, any injuries done to the persons of their slaves. The interest of one slaveholder was the interest of all; so that their security was guaranteed by the common interest of the wealthiest and most powerful men in the country, and, of course, of all their kindred and adherents, among whom, generally, were their poorer white neighbors. Thus the person of the slave (without reckoning the feelings of humanity which have generally characterized the slaveholders of this State) became the subject of general protection by every class of white men, and

any outrages on his person a general cause for common vindication. With this shield of security, the white aggressor was checked in his violence; and if not, his detection was almost sure. These sources of personal security are all removed by emancipation, and, without capacity to bear evidence, he stands in numerous cases utterly defenceless, except by opposing force to force against every species of outrage offered to himself or to his family. . . If he should submit to the violence, and suffer the most grievous wrongs, there is no one who can be heard in his behalf; and he could expect, from his submission, nothing less than a repetition of his unredressed wrongs. If he should oppose force to force in the justest cause, whatever might be the result, his mouth and the mouths of all colored witnesses would be closed. . .

Breaches of the peace always decrease in proportion to the facility and impartiality with which the violator is brought to justice. Citizens will not readily avenge themselves when the sword of the law is at hand to do it for them; but when the law is powerless, from whatever cause, the hand of private violence will be sure to come to the aid of self-defence. It is, therefore, clear that by protecting the person of the negro, we shall most certainly protect the person of the white man. If the former may be outraged . . with impunity, because he may be incompetent to testify to the wrong, he will turn from the door of the court-house and seek his redress elsewhere. . .

Secondly. The admission of such evidence is necessary to secure the colored people in their rights of property.

While in slavery they had no property. What was set apart for their use belonged to their master, and was under his protection. In their new state they enter on the broad ground of citizenship, and become actors in all the departments of social life. They are allowed to trade with the white man in every article of property; to possess and cultivate lands, and by all wise means, should be encouraged to habits of industry and a desire for honest acquisition.

The protection of a man's honest gains should ever be, after the protection of his person, the next great policy of a wise

Commonwealth. If the property which a negro shall own, his cattle, his money, may all be carried off, yea, his very house robbed of its furniture, and his person of his valuables, by abandoned white men, and he shall be unable to bring the robbers to justice because the witnesses are colored, can the race feel any ardent disposition to labor for themselves? On the contrary, will they not feel doubly tempted by such want of security for their own property to become depredators themselves, especially when they reflect that it is the white man's policy which thus exposes them to licentious white men? But, besides such glaring cases of public wrongs which would go unredressed by excluding their evidence, there are many of a more private nature which depraved white men would perpetrate on them or procure to be done by their negro associates as their instruments. Already the wicked white man and corrupt dependent negro have banded together in lawless thefts and frauds on industrious and peaceful citizens, both white and black; and the white associate, if negro evidence shall be excluded, will stand secure in his villany behind his colored friend.

The calamity to public virtue and private rights would be incalculable if those who were injured could not testify against the perpetrator of the crime. How shocked would every citizen of North Carolina fee! if the legislature should enact that no person assaulted and beaten, no one whose property was stolen, no one robbed, no one ravished, should bear evidence to the crime? The exclusion of negro evidence places that race in just such a condition. . .

The protection of persons and property imperiously demands that the evidence of colored persons be admitted for that purpose, unless it should be excluded upon some ground of public policy still higher than such as favors its introduction. We have heard of but one that is plausible, and that is the general falsity of such evidence. No one pretends that it is universally false. It is urged, however, that, for the greater part, the evidence is not reliable, and, if universally believed, would produce far more wrong than right.

We are fully aware of a lamentable prevalence of this vice

among the race. It is a natural offspring of their recent slavery and degradation. Forced to an involuntary servitude, and required to do many things against their will, without any apparent profit to themselves, it was natural for them to disobey if they found temporary ease in disobedience; and to avoid correction, it was equally natural for them to endeavor to escape it by falsehood. . . If the more veracious persons only were competent witnesses, there would be many cases of the highest interest to the public without a single witness. Such a rule, however, has never marked the policy of justice in its investigation of facts. . .

In a by-gone age the rules of evidence with us were framed rather to exclude falsehood than to admit truth; but even when these rules were administered in this spirit all persons above seven years old, of sufficient understanding, not religiously insensible to the obligation of an oath, nor parties directly interested in the cause, were competent witnesses, unless they had been rendered infamous by conviction of some infamous crime. . . These were English rules of the common law; and so long as they prevailed there was no nation on the earth whose inhabitants were excluded as witnesses from English courts, it mattered not what their color, crime, or religion. It is probable that at a very early period after the introduction of African slavery into this State the slave was forbidden to testify against a white person, and it is probable also that the exclusion was soon extended to free persons of color. Slaves were not allowed to bear testimony against free persons of color until 1821.

The policy of excluding such testimony was founded on two considerations: First, the entire and absolute dependence of a slave on his master . . which rendered him unfit to bear witness for or against his master, or for or against any person to whom his master extended his favor or dislike. Besides this, the settled policy was to humble the slave and extinguish in him the pride of independence. This latter policy was extended in 1821 to the free negro, who, it was alleged, was greatly corrupting the slave by claiming superior privileges over him.

Emancipation having destroyed the distinction all legislation concerning the colored race must be the same.

The rules regulating the admissibility of the evidence of white persons, with a few exceptions, remain with us as they were a century since. But all at once the slave has disappeared, and upward of 300,000 free persons of color are added to the population; these . . constitute one-third of our entire people. . . If it ever was, it is certainly not now our policy to degrade them. On the contrary, our true policy is to elevate them in every way consistent with the safety and good government of the community. They must be educated out of their ignorance, and reformed out of their vicious habits.

If the admission of their evidence will not seriously endanger the administration of our laws, our manifest policy is to allow it; for nothing, in our opinion, tends more to inculcate a regard for truth than the almost unavoidable detection of falsehood, which occurs in judicial investigations before a jury, where the parties and witnesses are known, and their manner and conduct are scrutinized in the ordeal of trial.

If it be true that either the negro race or the negro in our midst, civilized as he is beyond his native condition, be so mendacious that he cannot be safely heard in our court of justice, it seems to us that it is one of your highest duties to exclude them as witnesses in all cases whatsoever, as well in those in which they are the sole parties as those wherein one of the parties is a white man, and, above all things, not to allow persons of color to be convicted of capital felonies and deprived of life on such unreliable evidence. If to this suggestion it may be truly replied that he can be trusted when his own color is on trial, then it follows that he yet loves truth better than falsehood, unless he is seduced by his prejudice against the white man. Now, if this be so, this general characteristic of the race will soon develop itself, and thenceforth receive its just estimate at the hands of a white judge and a white jury. It is just to truth, however, for us to admit that neither during the wonderful and enduring conflict of arms, popularly announced in their very midst to be in behalf of their freedom, they did not

exhibit, nor since its termination have they exhibited, any decided marks of prejudice against their late masters.

It must be conceded by the opponents of such evidence that if strong prejudices be sufficient to exclude the testimony of witnesses, all experience teaches that public prosecutors, near kindred, and personal enemies, ought to be set aside as incompetent; and, if general corruption be also sufficient cause for exclusion, the man whose character for truth on oath is proved by all his acquaintances to be bad, ought no more to be heard in the ascertainment of facts than a negro. Yet in these cases the witness is heard, subject to so many "grains of allowance" on account of his established and admitted infirmity as a jury may judge to be the proper measure. It is settled by our highest judicial tribunal that the testimony of a witness who commits a perjury, apparent to the jury in the very case in which he is examined, must nevertheless be weighed by the jury for what it is worth.

By the laws of all civilized Europe, regulating the competency of witnesses, none are excluded by reason of character, race, color or religion. We ourselves admit the semi-barbarian of every continent and island; of every nation and tongue; of every religion — Christian, heathen and pagan; and of every color and race, unless he may fall under the ethnological varieties of the human species denominated Negroes and Indians.

We are not prepared to admit, nor indeed do we believe, that the colored man in North Carolina is entitled to less credit on his Christian oath than the colored Musselman or heathen of Asia or Egypt . . is when sworn on his Koran or other symbols of religious reverence. And when we consider the many thousands in the State who are in full fellowship as Christians, though we are quite sensible of the general demoralization which pervades them as a class, we feel little dread for the consequences which may attend the admissibility of their evidence as reported. . .

We have conceded the general demoralization of the colored population; but we should do great injustice to many of them

if we should close this report without excepting from the stigma hundreds who, throughout their lives, have conducted themselves in a manner altogether becoming the best of citizens, and deserving the very highest praise. These are lights, indeed, to all others; and the consideration of respect in which they are held ought to stimulate and encourage others of their race to practice the virtues of honesty and truth, which have served to distinguish the few. . . If the proposed evidence be admitted, subject to the rules long established among us and derived from our English ancestors, the administration of justice will have little to apprehend from the depravity or prejudice of the witness.

The Labor Situation in Alabama

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess., p. 60. Statement of Gen Swayne, head of the Bureau in Alabama. [1865-1866]

ON [January 15, 1866] the legislature reassembled. The palpable failure, when it last adjourned, of the attempt to depart from the standard of "equal rights before the laws," so long established here, and the wonderful abatement of doubt and dread which the freedmen themselves effected during the holidays by going quietly to work, had wrought a marked change in the public mind. The governor had no hesitation in vetoing the objectional measures, declaring that he would set his seal to no bill which did not deal alike with all men whose circumstances were the same. The vetoes were sustained in both houses. A bill has been introduced, and will pass, applying this qualification to all laws in force, and repealing all inconsistent with it; and as the legislature long ago directed the governor to appoint a commission to codify the criminal laws, it is supposed their report, which is next week to be presented, will be in consonance with this view. . .

One of the governor's veto messages . . requires especial notice. In returning the labor contract bill, he states that in his opinion no remedy is necessary for violation of contracts beyond that of damages, which the common law affords. As to freedmen this is practically no remedy at all, except where

unpaid wages have accrued. Indeed, it points to an abandonment of the contract system.

This statement is worthy of profound consideration. It did not emanate from me, yet I may now say that I concur in it. I found the contract system established here. . . The planters liked it, and so vigorously demanded contracts that there was danger they would not undertake to plant at all without them. Idleness was extremely prevalent, and contracts might answer to restrain their disposition. "Labor regulations" were therefore issued from this office. But it has all the while been my opinion that the freedmen would be found to be best governed by the same measures as are most effectual with ourselves, and only injured by artificial regulations. The true incentives to labor in the free States are hunger and cold, and it was only injurious expectations of parcelling out at Christmas that made freedmen evade these, in some measure, until Christmas came. This artificial barrier removed, normal relations were immediately established. The true security of labor, also, in the free States, is that whenever the laborer finds himself ill treated, or his wages insufficient or unsafe, he can quit without having to account to anybody. This is more and better than all laws. And the demand for labor will keep the freedman secure here in this particular. .

Contracts imply bargaining and litigation, and at neither of these is the freedman a match for his employer; nor do I think he can be made so, except through an ever-present competition, to which he can appeal. Undoubtedly his credulity will be somewhat used to victimize him just now; but . . he who has but one thing to dispose of soon learns to do it to the best advantage.

Rights of the Negro in Virginia

Report of Joint Committee on Reconstruction, part II, p. 108. Statement of John Baldwin, who in 1861 was a "Union" member of the Virginia Convention and who went to Lincoln with a plan to prevent the secession of Virginia. [1866]

THERE is a general feeling manifested in the legislature to go over our laws and to strike out the peculiar distinctive feat-

ures separating the black and the white races before the law. . . The other day the subject of apprentices was brought up, and apprentices, white and black, were placed on the same footing, and in respect to both the employer is required to have them taught reading, writing and arithmetic. . . In reference to rape, abduction, and offences of that sort, all discrimination has been withdrawn as between offences committed on persons of one or the other color. . . We are wiping out gradually all distinctions; they are not very numerous in our laws. You would be surprised, in going over our legislation, to find how thoroughly the free negro has been the equal of the white man before the law in Virginia. He has always had the same right to sue, to sue as a pauper or as a paying suitor. His cases have been all tried in the same way. He has always had the same right to call witnesses as the white man. He has had the same right to acquire property, except in slaves; and it is only of late years that he has been prohibited from acquiring slaves. . .

There was some difference in regard to the mode of trying minor offences committed by a free negro; but the distinction was in favor of the negro. As, for instance, it requires the verdict of a jury to acquit a white man of an offence in a capital case; but in the case of a negro, slave or free, . . the dissent of one magistrate out of five cleared him. It is a matter perfectly well understood by lawyers, who have practiced as criminal lawyers in Virginia, that a slave or a free negro had always the decided advantage over a white man in criminal defences. . .

Wherever you come to a class of offences in regard to tampering with slaves, or withdrawing them from their obligations to their masters, or anything of that kind, the laws were severe, and the free negro was placed, in some respects, in a worse condition than a white man, but those cases are very few; and now the universal sentiment and feeling of the people is to give to the negro, in law, all the results of the fact of his freedom. In regard to negro testimony there is a diversity of sentiment among our people. I believe everybody agrees that one of the effects of freedom will be, sooner or later, to place the negro and the white man, in this matter of testimony, on a perfect

equality before the law, . . but there is a diversity of opinion in reference to the expediency and safety of undertaking to do that thing all at one job. I think the more prudent of our people are disposed to do that gradually, taking a step at a time, and ascertaining how it works. I think the feeling now is to place in the hands of the negro the right to testify in all matters affecting his person, his property, or his family; to testify in his own case, as a white man would do; and to testify in criminal prosecutions for offences against his person, his property, or his family. . . The disposition is to let that be the first step, and to go on gradually. You, gentlemen of the north, who have not a mass of 300,000 or 400,000 suddenly emancipated negroes in your midst, can hardly appreciate the caution we feel to be necessary in dealing with any of these problems. However much we may be determined to do them justice, there are questions of safety and expediency which must be considered by prudent and discreet men. . . The desire and determination is, as rapidly as possible, to remove all those differences before the law, and to place the blacks on an equal footing of equality before the law. . . There are several things to be taken into consideration. In the first place, we must let the public feeling of the white people mature. Our local government must conform to the judgment and opinion of our own people, and they must have time to make up their minds to this thing. If you attempt to force the matter, you will see that it will bring about an enmity between the races.

The Negro under the Provisional Government

Judge Henry D. Clayton's *Address to the Grand Jury of Pike County, Alabama.* Judge Clayton had been a Confederate major general. [1866]

AMONG the terms upon which the Confederate States terminated their heroic struggle for a separate and independent nationality, was one which guaranteed freedom to this race. Although we deplore that result, as alike injurious to the country and fatal to the negroes, the law has been placed upon our statute books in solemn form by us through our delegates.

The laws for their government, as slaves, have been repealed and others substituted adapted to their new condition. We are in honor bound to observe these laws. For myself I do not hesitate to say in private and public, officially and unofficially, that, after doing all I could to avert it, when I took off my sword in surrender I determined to observe the terms of that surrender with the same earnestness and fidelity with which I first shouldered my musket. . .

There is nothing in the history of the past of which we need be ashamed. Whilst we cherish its glorious memories, and that of our martyred dead, we . . remember there is still work for the living, and set ourselves about the task of reëstablishing society and rebuilding our ruined homes. Others unwilling to submit to this condition of things may seek their homes abroad. You and I are bound to this soil for life, for better or for worse. . . What then is our duty? To repine at our lot? That is not the part of manliness; but to rise up, going forward, performing our highest missions as men. . .

Let us deal with the facts before us as they are. The negro has been made free. It is no work of his. He did not seek freedom, and nominally free as he is, he is, beyond expression, helpless by his want of experience, and doubly helpless by his want of comprehension to understand and appreciate his condition. From the very nature of his surroundings, so far as promoting his welfare and adapting him to this new relation to society are concerned, all agencies from abroad must prove inadequate. . .

To remedy the evils growing out of the abolition of slavery it seems two things are necessary: First, a recognition of the freedom of the race as a fact, the enactment of just and humane laws, and the willing enforcement of them. Secondly, by treating them with perfect fairness and justice in our contracts, and in every way in which we may be brought in contact with them.

By the first we convince the world of our good faith, and get rid of the system of espionage [Freedmen's Bureau], by removing the pretext of its necessity; and by the second, we secure the services of the negroes, teach them their places, and how to keep them, and convince them at last that we are indeed

their best friends. . . We need the labor of the negro all over the country, and it is worth the effort to secure it. . . I might enlarge upon this subject by showing the depressing effect upon the country which would be produced by the sudden removal of so much of its productive labor. Its effect would be the decreased value of the lands, decreased agricultural products, decreased revenue to the State and country, arising from these sources, with their attendant results.

Besides all this, which appeals to our interests, gentlemen, do we owe the negro any grudge? What has he himself done to provoke our hostility? Shall we be angry with him because freedom has been forced upon him? Shall it excite our animosity because he has been suddenly and without any effort on his part, torn loose from the protection of a kind master? He is proud to call you Master yet. . . He may have been the companion of your boyhood. He may be older than you, and perhaps carried you in his arms when an infant. You may be bound to him by a thousand ties which only a Southern man knows, and which he alone can feel in all its force. It may be that when, only a few years ago, you girded on your cartridge-box and shouldered your trusty rifle, to go to meet the invaders of your country, you committed to his care your home and your loved ones; and when you were far away upon the weary march, upon the dreadful battle-field, in the trenches, and on the picket line, many and many a time you thought of that faithful old negro, and your heart warmed towards him.

A Negro's View of the Black Laws

John Wallace, *Carpet Bag Rule in Florida*, 1885, p. 36. Wallace was a negro politician in Florida during Reconstruction. [1865-1866]

IT is true, that some of the laws passed by the Legislature of 1865 seem to be very diabolical and oppressive to the freedmen, but when we consider the long established institution of slavery, and the danger to which the Southern whites imagined they might be subjected by reason of these people, who had always been subject only to the command of their old masters, we are of the opinion that any other people under like circumstances,

would have passed the same character of laws relative to the freedmen. Many of these laws we know, of our own knowledge, were passed only to deter the freedmen from committing crime. For instance, the law prohibiting colored people handling arms of any kind without a license, was a dead letter, except in some cases where some of the freedmen would go around plantations hunting, with apparently no other occupation, such a person would be suspected of hunting something that did not belong to him and his arms would be taken away from him. We have often passed through the streets of Tallahassee with our gun upon our shoulder, without a license, and were never disturbed by any one during the time this law was in force. The law in regard to contracts between the whites and the freedmen was taken advantage of by some of the whites, and the freedmen did not get justice; but the great majority of the whites carried out their contracts to the letter, and the freedmen did as well as could be expected under the changed condition of things. These laws were taken advantage of by the carpetbaggers to marshal the freedmen to their support after the freedmen had been given the right to vote.

2. LAWS RELATING TO FREEDMEN

Marriages of Negroes (Alabama)

Senate Ex. Doc. no. 26, 39 Cong., 1 Sess. In other Southern states the legislatures passed laws similar to this ordinance.

[September, 1865]

Be it ordained by the people of the State of Alabama, in convention assembled, That all marriages between freedmen and freedwomen, whether in a state of slavery, or since their emancipation, heretofore solemnized by any one acting or officiating as a minister, or any one claiming to exercise the right to solemnize the rights of matrimony, whether bond or free, are hereby ratified and made valid, provided the parties are now living together as man and wife, and in all cases of freedmen and freedwomen who are now living together, recognizing each other as man and wife . . the same are hereby declared to be man and wife, and bound by the legal obligations of such relationship. . .

The issue of such marriages or co-habitation are hereby legitimatized, and shall be held to the same relations and obligations from and to their parents as if born in lawful wedlock. . .

The fathers of children born without the father and mother having lived together as man and wife, or when they have heretofore lived together as man and wife, and have ceased to do so, shall be required to take care of such children, as in the case of bastards, under the laws of this State, and such laws on this subject as may be hereafter enacted by the general assembly. .

Hereafter, freedmen and freedwomen shall be bound by the same laws of intermarriage, and be required to conform to similar ceremonies, with the exception that they shall not be required to give bond in marrying, as in the case of whites, until otherwise enacted by the general assembly. . .

The general assembly shall be, and are hereby, invested with full powers to provide for the maintenance and support of the freedmen and women and children of the State of Alabama.

Intermarriage between the Races Forbidden (Alabama)

Penal Code of Alabama (1866), p. 31, secs. 61, 62. There were and are still similar laws in the other Southern states. [1866]

If any white person and any negro, or the descendant of any negro, to the third generation inclusive, though one ancestor of each generation be a white person, intermarry, or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county, for not less than two, nor more than seven years. . .

Any probate judge, who issues a license for the marriage of any persons who are prohibited by the last preceding section from intermarrying, knowing that they are within the provisions of that section; and any justice of the peace, minister of the gospel, or other person by law authorized to solemnize the rites of matrimony, who performs a marriage ceremony for such persons, knowing that they are within the provisions of said section, must, each, on conviction, be fined not less than one hundred, nor more than one thousand dollars; and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than six months.

Civil Rights of Negroes in Arkansas

Acts of Arkansas, 1866-67, p. 98. [February 6, 1867]

Sec. 1. *Be it enacted,* etc., that persons hitherto known in law in this state, as slaves or as free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to be affiants, give evidence, to inherit, purchase, lease, sell, hold, convey and assign real and personal property, to make wills and testaments, and to have full and equal benefit of the rights of personal security, personal liberty, and private property, and of all remedies and proceedings for the enforcement and protection of the same, that white persons now have, and shall not be subjected to any other or different punishment, pain or penalty, for the commission of any act or offense, than such as are prescribed for white persons committing like acts or offenses; and all laws, and statutes of this state shall be applicable to all persons within its limits, without distinction of race or color, except as hereinafter provided.

Sec. 2. *Be it further enacted,* That all acts and parts of acts specially relating to negroes or mulattoes, contrary to these provisions be, and the same are hereby repealed; Provided, that nothing herein contained, shall be construed to repeal or modify any statute, common law or usage of this state, respecting the marriage of white persons with negroes or mulattoes, voting at elections, service on juries or militia duties. . .

Sec. 4. *Be it further enacted,* That all marriages between negroes and mulattoes shall be hereafter solemnized by the same persons and governed in all respects by the laws in force at the time as to white persons; Provided, That the clerks of the courts of each county shall keep a separate book for the record of the marriages of negroes and mulattoes.

Sec. 5. *Be it further enacted,* That no negro or mulatto shall be admitted to attend any public school in this state, except such schools as may be established exclusively for colored persons.

Negro Testimony in Alabama Courts

Penal Code of Alabama (1866), p. 164, sec. 68. In other Southern states similar provision was made for negro testimony.

[December 9, 1865]

Freedmen, free negroes, and mulattoes, are competent witnesses in any criminal case, where the defendant is a freedman, free negro, or mulatto, or where the prosecution is for an injury to the person or property of a freedman, free negro or mulatto; but they can only testify as witnesses in open court; and whenever a freedman, free negro, or mulatto, is a witness against a white person, or a white person is a witness against a freedman, free negro, or mulatto, the parties are competent witnesses, and may testify in open court, and are not disqualified by any interest in the question or suit, or by marriage.

Labor Contracts in Florida

Acts and Resolutions of General Assembly of Florida, 1865-66, p. 32. Each Southern state had contract laws; some made no distinction between races; others did. [January 12, 1866]

Sec. 1. *Be it enacted,* etc., . . That all contracts of persons

of color shall be made in writing and fully explained to them before two credible witnesses, which contract shall be in duplicate, one copy to be retained by the employer and the other filed with some judicial officer of the State and county in which the parties may be residing at the date of the contract, with the affidavit of one or both witnesses, setting forth that the terms and effect of such contract were fully explained to the colored person, and that he, she or they had voluntarily entered into and signed the contract, and no contract shall be of any validity against any person of color unless so executed and filed: *Provided,* That contracts for service of labor may be made for less time than thirty days by parol.

Sec. 2. *And Whereas,* It is essential to the welfare and prosperity of the entire population of the State that the agricultural interest be sustained and placed upon a permanent basis: *It is therefore enacted,* That when any person of color shall enter into a contract as aforesaid, to serve as a laborer for a year, or any other specified term, on any farm or plantation in this State, if he shall refuse or neglect to perform the stipulations of his contract by wilful disobedience of orders, wanton impudence, or disrespect to his employer or his authorized agent, failure or refusal to perform the work assigned to him, idleness, or abandonment of the premises or the employment of the party with whom the contract was made, he or she shall be liable, upon the complaint of his employer, or his agent, made under oath before any Justice of the Peace of the county, to be arrested and tried before the criminal court of the county, and upon conviction shall be subject to all the pains and penalties prescribed for the punishment of vagrancy . . if it shall on such trial appear that the complaint made is not well founded, the court shall dismiss such complaint, and give judgment in favor of such laborer, against the employer, for such sum as may appear to be due under the contract, and for such damages as may be assessed by the jury.

Sec. 3. . . when any employee as aforesaid shall be in the occupancy of any house or room on the premises of the employer by virtue of his contract to labor, and he shall be adjudged to have violated his contract; or when any employee as

aforesaid shall attempt to hold possession of such house or room beyond the term of his contract, against the consent of the employer, it shall be the duty of the Judge of the Criminal Court, upon the application of the employer and due proof made before him, to issue his writ to the Sheriff of the Court, commanding him forthwith to eject the said employee and to put the employer into full possession of his premises.

Sec. 4. . . if any person employing the services or labor of another under contract entered into as aforesaid shall violate his contract by refusing or neglecting to pay the stipulated wages or compensation agreed upon, or any part thereof, or by turning off the employee before the expiration of the term, unless for sufficient cause, or unless such right is reserved by the contract, the party so employed may make complaint thereof before the Judge of the Criminal Court, who shall at an early day, on reasonable notice to the other party, cause the same to be tried by a jury to be summoned for the purpose, who, in addition to the amount that may be proved to be due under the contract, may give such damages as they in their discretion may deem to be right and proper, and the judgment thereon shall be a first lien on the crops of all kinds in the cultivation of which such laborer may have been employed. . .

Sec. 5. . . if any person shall entice, induce, or otherwise persuade any laborer or employee to quit the services of another to which he was bound by contract, before the expiration of the term of service stipulated in said contract, he shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or shall stand in the pillory not more than three hours, or be whipped not more than thirty-nine stripes on the bare back, at the discretion of the jury.

Schools for Freedmen in Florida

Acts and Resolutions of General Assembly of Florida, 1865-66, p. 37. [January 16, 1866]

Sec. 1. *Be it enacted by the Senate and House of Representatives of Florida,* That the Governor shall appoint an officer, by and with the advice and consent of the Senate, who shall be

styled Superintendent of Common Schools for Freedmen, who shall hold his office during the administration of the Governor.

Sec. 4. . . The Superintendent, with the aid of the Assistant Superintendents, shall establish schools for freedmen, when the number of children of persons of color, in any county or counties will warrant the same: *Provided,* The funds hereinafter provided for shall be sufficient to meet the expenses thereof.

Sec. 5. . . no teacher shall be entitled to the benefits of the fund hereinafter provided, who shall not have first procured a certificate from the Superintendent of his or her competency, for which the said teacher shall pay to the Superintendent or to his Assistants upon his order the sum of five dollars, for the benefit of the fund for common schools for freedmen, which said certificate shall authorize and empower the said teacher to teach in any school for freedmen for one year from the date of such certificate, and no longer: *Provided,* That the Superintendent or any of his Assistants may at any time cancel the certificate of any teacher for incompetency, immorality, or for other sufficient cause, of which they or either of them shall be competent to judge.

Sec. 6. . . a tax shall be assessed and levied upon all male persons of color between the ages of twenty-one years and forty-five, of one dollar each, the proceeds of which shall constitute a fund, to be denominated the Common School Fund for the education of freedmen, which said tax shall be collected at the same time and in the same manner as the State tax is now collected by law, and paid into the treasury of the State for the use of the Common School Fund for freedmen aforesaid.

Sec. 9. . . a tuition fee shall be collected from each pupil under such regulations as the Superintendent shall prescribe, which shall be paid into the treasury of the State as a portion of the common school fund for freedmen. . .

Sec. 11. . . if any person shall teach any school of persons of color in this State, without first having obtained the license or certificate hereinbefore provided for, he or she shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred

dollars, or imprisoned not less than thirty days, nor more than sixty days, at the discretion of the court.

Regulations for Freedmen in Louisiana

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 93. It seems to have been a custom for the Louisiana parishes and towns to make such regulations as the following, and, during 1865, they were approved by the military authorities. The legislature of Louisiana passed no laws of importance relating to the blacks, though by custom they were more stringently regulated in Louisiana than in other Southern states. [July, 1865]

WHEREAS it was formerly made the duty of the police jury to make suitable regulations for the police of slaves within the limits of the parish; and whereas slaves have become emancipated by the action of the ruling powers; and whereas it is necessary for public order, as well as for the comfort and correct deportment of said freedmen, that suitable regulations should be established for their government in their changed condition, the following ordinances are adopted with the approval of the United States military authorities commanding in said parish, viz:

Sec. 1. *Be it ordained by the police jury of the parish of St. Landry,* That no negro shall be allowed to pass within the limits of said parish without special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of two dollars and fifty cents, or in default thereof shall be forced to work four days on the public road, or suffer corporeal punishment as provided hereinafter.

Sec. 2. . . Every negro who shall be found absent from the residence of his employer after ten o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof, shall be compelled to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 3. . . No negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence.

Sec. 4. . . Every negro is required to be in the regular service of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be fined five dollars for each offence, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 5. . . No public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol, within whose beat such meetings shall take place. This prohibition, however, is not to prevent negroes from attending the usual church services, conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 6. . . No negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default shall be forced to work ten days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 7. . . No negro who is not in the military service shall be allowed to carry fire-arms, or any kind of weapons, within the parish, without the special written permission of his employers, approved and indorsed by the nearest and most convenient chief of patrol. Any one violating the provisions of this section shall forfeit his weapons and pay a fine of five dollars, or in default of the payment of said fine, shall be forced to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 8. . . No negro shall sell, barter, or exchange any

articles of merchandise or traffic within said parish without the special written permission of his employer, specifying the article of sale, barter or traffic. Any one thus offending shall pay a fine of one dollar for each offence, and suffer the forfeiture of said articles, or in default of the payment of said fine shall work one day on the public road, or suffer corporeal punishment as hereinafter provided. . .

Sec. 9. . . Any negro found drunk, within the said parish shall pay a fine of five dollars, or in default thereof work five days on the public road, or suffer corporeal punishment as hereinafter provided.

Sec. 11. . . It shall be the duty of every citizen to act as a police officer for the detection of offences and the apprehension of offenders, who shall be immediately handed over to the proper captain or chief of patrol. .

Sec. 14. . . The corporeal punishment provided for in the foregoing sections shall consist in confining the body of the offender within a barrel placed over his or her shoulders, in the manner practiced in the army, such confinement not to continue longer than twelve hours, and for such time within the aforesaid limit as shall be fixed by the captain or chief of patrol who inflicts the penalty.

A Mississippi "Jim Crow" Law

Laws of Mississippi, 1865, p. 231. Other Southern states passed similar laws, which after Reconstruction, were again placed on the statute books. [November 21, 1865]

Sec. 6. It shall be unlawful for any officer, station agent, collector, or employee on any railroad in this State, to allow any freedman, negro, or mulatto, to ride in any first class passenger cars, set apart, or used by, and for white persons; and any person offending against the provisions of this section, shall be deemed guilty of a misdemeanor; and on conviction thereof before the circuit court of the county in which said offence was committed, shall be fined not less than fifty dollars, nor more than five hundred dollars; and shall be imprisoned in the county jail, until such fine, and costs of prosecution are paid: *Provided,* That this section of this act, shall not apply, in the

case of negroes or mulattoes, travelling with their mistress, in the capacity of maids.

Mississippi Apprentice Law

Laws of Mississippi, 1865, p. 86. Alabama had a similar law; other states, except South Carolina, had practically the same laws for both races. Alabama and Mississippi had distinct laws for the whites. [November 22, 1865]

Sec. 1. . . It shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties semi-annually, at the January and July terms of said courts, all freedmen, free negroes, and mulattoes, under the age of eighteen, in their respective counties, beats, or districts, who are orphans, or whose parent or parents have not the means or who refuse to provide for and support said minors; and thereupon it shall be the duty of said probate court to order the clerk of said court to apprentice said minors to some competent and suitable person, on such terms as the court may direct, having a particular care to the interest of said minor: *Provided,* that the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a suitable person for that purpose.

Sec. 2. . . The said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor. The said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing; to treat said minor humanely; furnish medical attention in case of sickness; teach, or cause to be taught, him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice. . .

Sec. 3. . . in the management and control of said apprentices, said master or mistress shall have the power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law:

Provided, that in no case shall cruel or inhuman punishment be inflicted.

Sec. 4. . . if any apprentice shall leave the employment of his or her master or mistress, without his or her consent, said master or mistress may pursue and recapture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, to the next term of the county court; and it shall be the duty of said court at the first term thereafter to investigate said case, and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law for desertion, until he or she shall agree to return to the service of his or her master or mistress: . . if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars, for the use and benefit of said apprentice. . .

Sec. 5. . . if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits without such consent, said person so offending shall be deemed guilty of a high misdemeanor, and shall, upon conviction thereof before the county court, be punished as provided for the punishment of persons enticing from their employer hired freedmen, free negroes or mulattoes.

Mississippi Vagrant Law

Laws of Mississippi, 1865, p. 90. Applies to both races. There were similar laws in the other Southern states. [November 24, 1865]

Sec. 1. . *Be it enacted,* etc., . . That all rogues and vaga-

bonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families, or dependants, and all other idle and disorderly persons, including all who neglect all lawful business, habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling shops, shall be deemed and considered vagrants, under the provisions of this act, and upon conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned, at the discretion of the court, not exceeding ten days.

Sec. 2. . . All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons so assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro, or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

Sec. 3. . . All justices of the peace, mayors, and aldermen of incorporated towns and cities of the several counties in this State shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities, and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, counties, and cities are violating any of the provisions of this act, to have said party or parties arrested, and brought before them, and immediately investigate said charge, and, on conviction, punish said party

or parties, as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, and all such like officers, and city marshals, to report to some officer having jurisdiction all violations of any of the provisions of this act, and it shall be the duty of the county courts to enquire if any officers have neglected any of the duties required by this act, and in case any officer shall fail or neglect any duty herein it shall be the duty of the county court to fine said officer, upon conviction, not exceeding one hundred dollars, to be paid into the county treasury for county purposes. . .

Sec. 5. . . All fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case any freedman, free negro or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine and forfeiture and all costs: *Provided,* A preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto, then due or to become due; and in case said freedman, free negro, or mulatto cannot be hired out, he or she may be dealt with as a pauper.

Sec. 6. . . The same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes or mulattoes, to support their indigent families and all colored paupers; and that in order to secure a support for such indigent freedmen, free negroes, or mulattoes, it shall be lawful and is hereby made the duty of the county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of one dollar annually to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands, and constitute a fund to be called the Freedmen's Pauper Fund, which shall be

applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes, and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

Sec. 7. . . If any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

Civil Rights of Freedmen in Mississippi

Laws of Mississippi, 1865, p. 82. Mississippi, South Carolina, and Tennessee gave fewer civil rights to the blacks than the other Southern states gave. [November 25, 1865]

Sec. 1. *Be it enacted,* . . That all freedmen, free negroes, and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and choses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: *Provided,* That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated cities or towns, in which places the corporate authorities shall control the same.

Sec. 2. . . All freedmen, free negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: *Provided,* That the clerk of probate shall keep separate records of the same.

Sec. 3. . . All freedmen, free negroes, or mulattoes who do now and have herebefore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for

all purposes; that it shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry, shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes, and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Sec. 4. . . In addition to cases in which freedmen, free negroes, and mulattoes are now by law competent witnesses, freedmen, free negroes, or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons, is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro, or mulatto: *Provided,* that in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 5. . . Every freedman, free negro, and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six and annually thereafter, have a lawful home or employment, and shall have written evidence thereof as follows, to-wit: if living in any incorporated city, town, or village, a license from the mayor thereof; and if living outside of an incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work; or a written contract, as provided in section six in this act; which licenses may be revoked for cause at any time by the authority granting the same.

Sec. 6. . . All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing, and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

Sec. 7. . . Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employe aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer, and held as a set-off for so much against the wages of said deserting employe: *Provided,* that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer; either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

Sec. 9. . . If any person shall persuade or attempt to persuade, entice, or cause any freedman, free negro, or mulatto to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free negro, or mulatto, or shall knowingly give or sell to any such deserting freedman, free negro, or mulatto, any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction,

shall be fined not less than twenty-five dollars and not more than two hundred dollars and the costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages: *Provided,* if any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro, or mulatto to desert from any legal employment of any person, with the view to employ said freedman, free negro, or mulatto without the limits of this State, such person, on conviction, shall be fined not less than fifty dollars, and not more than five hundred dollars and costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months imprisonment in the county jail.

Sec. 10. . . it shall be lawful for any freedman, free negro, or mulatto, to charge any white person, freedman, free negro, or mulatto by affidavit, with any criminal offense against his or her person or property, and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person, and it shall be lawful for any freedman, free negro, or mulatto, in any action, suit or controversy pending, or about to be instituted in any court of law or equity in this state, to make all needful and lawful affidavits as shall be necessary for the institution, prosecution or defense of such suit or controversy.

Sec. 11. . . the penal laws of this State, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free negroes and mulattoes.

Certain Offenses of Freedmen (Mississippi)

Laws of Mississippi, 1865, p. 165. [November 29, 1865]

Sec. 1. *Be it enacted,* . . That no freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry fire-arms of any kind, or any ammunition, dirk or bowie knife, and on conviction

thereof in the county court shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer; and it shall be the duty of every civil and military officer to arrest any freedman, free negro, or mulatto found with any such arms or ammunition, and cause him or her to be committed to trial in default of bail.

Sec. 2. . . Any freedman, free negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance of the peace, exercising the function of a minister of the Gospel without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law, shall, upon conviction thereof in the county court, be fined not less than ten dollars, and not more than one hundred dollars, and may be imprisoned at the discretion of the court, not exceeding thirty days.

Sec. 3. . . If any white person shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms, dirk or bowie knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days. . .

Sec. 5. . . If any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse for the space of five days, after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take said convict for the shortest time.

North Carolina "Black Code"

Public Laws of North Carolina, session of 1866, p. 99; and *Senate Ex. Doc. no. 26, 39 Cong., 1 Sess.,* p. 197. [March 10, 1866]

Sec. 1. *Be it enacted by the General Assembly of the State*

of North Carolina, . . That negroes and their issue, even where one ancestor in each succeeding generation to the fourth inclusive is white, shall be deemed persons of color.

Sec. 2. . . All persons of color who are now inhabitants of this State shall be entitled to the same privileges, and are subject to the same burthens and disabilities, as by the laws of the State were conferred on, or were attached to, free persons of color, prior to the ordinance of emancipation, except as the same may be changed by law.

Sec. 3. . . Persons of color shall be entitled to all the privileges of white persons in the mode of prosecuting, defending, continuing, removing and transferring their suits at law and in equity; and likewise to the same mode of trial by jury, and all the privileges appertaining thereto.. And in all proceedings in equity by or against them, their answer shall have the same force and effect in all respects as the answer of white persons.

Sec. 4. . . In all cases of apprenticeship of persons of color, under chapter five (5) of the revised code, the master shall be bound to discharge the same duties to them as to white apprentices . . [and the word *white* is stricken from the code]: *Provided always,* That in the binding out of apprentices of color, the former masters of such apprentices, when they shall be regarded as suitable persons by the court, shall be entitled to have such apprentices bound to them, in preference to other persons.

[Chapter 5, section 3, of the revised code, as amended by this act, reads thus:

The master or mistress shall provide for the apprentice diet, clothes, lodging, and accommodations fit and necessary; and such apprentice shall teach or cause to be taught to read and write, and the elementary rules of arithmetic; and at the expiration of every apprenticeship shall pay to each apprentice six dollars, and furnish him with a new suit of clothes, and a new Bible; and if upon complaint made to the court of pleas and quarter sessions it shall appear that any apprentice is ill-used, or not taught the trade, profession and employment to which he was bound, or that any apprentice is not taught reading,

writing, and arithmetic as aforesaid, the court may remove and bind him to some other suitable person.]

[Section 6, chapter 5, of the revised code of North Carolina, as amended by this act, reads thus:

If any apprentice, whether colored or otherwise, who shall be well used by his master, and who shall have received from his said master not less than twelve months' schooling, shall absent himself, after arriving at the age of eighteen years, from his master's service before the term of his apprenticeship shall have expired, every such apprentice shall be compelled to make satisfaction to the master for the loss of his service; and in case any apprentice shall refuse to make such satisfaction, his master may recover by warrant before any justice of the peace such satisfaction, not exceeding sixty dollars, as the justice may determine ought to be made by such apprentice; or the master may have his action on the case against the apprentice, for his default: *Provided,* That no apprentice shall be compelled to make any satisfaction, but within seven years next after the end of the term for which he shall be bound to serve.]

Sec. 5. . . In all cases where men and women, both or one of them were lately slaves and are now emancipated, now cohabit together in the relation of husband and wife, the parties shall be deemed to have been lawfully married as man and wife at the time of the commencement of such cohabitation, although they may not have been married in due form of law. And all persons whose cohabitation is hereby ratified into a state of marriage shall go before the clerk of the court of pleas and quarter sessions of the county in which they reside, at his office, or before some justice of the peace, and acknowledge the fact of such cohabitation, and the time of its commencement, and the clerk shall enter the same in a book kept for that purpose; and if the acknowledgment be made before a justice of the peace, such justice shall report the same in writing to the clerk of the court of pleas and quarter sessions, and the clerk shall enter the same as though the acknowledgment had been made before him; and such entry shall be deemed *prima facie* evidence of the allegations therein contained. For making such entry and giving a certificate of the same, the clerk

shall be entitled to a fee of twenty-five cents, to be paid by the party for whom the services are rendered. . .

Sec. 7. . . All contracts between any persons whatever, whereof one or more of them shall be a person of color, for the sale or purchase of any horse, mule, ass, jennet, neat cattle, hog, sheep or goat, whatever may be the value of such articles, and all contracts between such persons for any other article or articles of property whatever of the value of ten dollars or more; and all contracts executed or executory between such persons for the payment of money of the value of ten dollars or more, shall be void as to all persons whatever, unless the same be put in writing and signed by the vendors or debtors, and witnessed by a white person who can read and write. . .

Sec. 9. . . Persons of color not otherwise incompetent shall be capable of bearing evidence in all controversies at law and in equity, where the rights of persons or property of persons of color shall be put in issue, and would be concluded by the judgment or decree of court; and also in pleas of the State, where the violence, fraud, or injury alleged shall be charged to have been done by or to persons of color. In all other civil and criminal cases such evidence shall be deemed inadmissible, unless by consent of the parties of record: *Provided,* That this section shall not go into effect until jurisdiction in matters relating to freedmen shall be fully committed to the courts of this State: *Provided, further,* That no person shall be deemed incompetent to bear testimony in such cases because of being a party to the record or in interest. . .

Sec. 11. . . Any person of color convicted by due course of law of an assault with an attempt to commit rape upon the body of a white female, shall suffer death.

Sec. 12. . . The criminal laws of the State embracing and affecting a white person are hereby extended to persons of color, except where it is otherwise provided in this act, and whenever they shall be convicted of any act made criminal, if committed by a white person, they shall be punished in like manner, except in such cases where other and different punishment may be prescribed or allowed by this act. . .

The Domestic Relations of Negroes, Pauperism and Vagrancy (South Carolina)

Statutes at Large of South Carolina, vol. xiii, p. 269. This statute relates also to whites except where otherwise specified. Much of this, it is said, was borrowed from the British West Indies.

[December 21, 1865]

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

Husband and Wife

I. The relation of husband and wife amongst persons of color is established.

II. Those who now live as such are declared to be husband and wife.

III. In case of one man having two or more reputed wives, or one woman two or more reputed husbands, the man shall, by the first day of April next, select one of his reputed wives, or the woman one of her reputed husbands; and the ceremony of marriage between this man or woman, and the person so selected, shall be performed.

IV. Every colored child, heretofore born, is declared to be the legitimate child of its mother, and also of his colored father, if he is acknowledged by such a father.

V. Persons of color desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized.

VI. A Clergyman, the District Judge, a Magistrate, or any judicial officer, may solemnize marriages.

VII. Cohabitation, with reputation, or recognition of the parties, shall be evidence of marriage in cases criminal and civil.

VIII. One who is a pauper or a charge to the public shall not be competent to contract marriage. Marriage between a white person and a person of color shall be illegal and void.

IX. The marriage of an apprentice shall not, without the consent of the master, be lawful.

X. A husband shall not, for any cause, abandon or turn away his wife, nor a wife her husband. Either of them that abandons or turns away the other may be prosecuted for a misdemeanor; and, upon conviction thereof, before a District Judge, may be punished by a fine and corporal punishment, duly apportioned to the circumstances of aggravation or mitigation. A husband not disabled, who has been thus convicted of having abandoned or turned away his wife, or who has been shown to fail in maintaining his wife and children, may be bound to service by the District Judge from year to year, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife and children; the distribution between them being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus convicted, may be bound, and the proceeds of her labor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband shall have the right to return to or receive back his wife, and thereupon shall be discharged upon condition of his afterwards maintaining his wife and children. A like right a wife shall have, at the end of the year for which she was bound on condition of her making future exertions to maintain her family.

XI. Whenever a husband shall be convicted of having abandoned or turned away his wife, she shall be competent to make a contract for service; and until he shall return to her or receive her back, she shall have all the rights, and be subject to all the liabilities, of an unmarried woman, except the right to contract marriage. When either husband or wife has abandoned the other in any District, and that other remains there, if upon the warrant or summons against the one charged of misdemeanor, under the Section next preceding, there be a return by a Sheriff or Constable, under oath, that the accused has left the District, or absconded, so that there can not be personal service, the prosecution may proceed as if the accused had been arrested, and, upon conviction, all the other consequences shall follow, except punishment, and that shall be reserved until the accused may be brought into Court, when an opportunity shall be given for disproving the truth of the return and setting aside the conviction.

PARENT AND CHILD

XII. The relation of parent and child, amongst persons of color, is recognized, confers all the rights and remedies, civil and criminal, and imposes all the duties that are incident thereto by law, unless the same are modified by this Act, or some legislation connected herewith.

XIII. The father shall support and maintain his children under fifteen years of age, whether they be born of one of his reputed wives or of any other woman.

GUARDIAN AND WARD

XIV. The relation of guardian and ward, as it now exists in this State, with all the rights and duties incident thereto, is extended to persons of color, with the modifications made by this Act.

MASTER AND APPRENTICE

XV. A child, over the age of two years, born of a colored parent, may be bound by the father, if he be living in the District, or in case of his death or absence from the District, by the mother, as an apprentice to any respectable white or colored person who is competent to make a contract; a male until he shall attain the age of twenty-one years, and a female until she shall attain the age of eighteen.

XVI. Illegitimate children, within the ages above specified, may be bound by the mother.

XVII. Colored children, between the ages mentioned, who have neither father nor mother living in the District in which they are found, or whose parents are paupers, or unable to afford to them maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been, either of them, convicted of any infamous offense, may be bound as apprentices by the District Judge, or one of the Magistrates, for the aforesaid term.

XVIII. Males of the age of twelve years, and females of the age of ten years, shall sign the indenture of apprenticeship, and be bound thereby.

XIX. When the apprentice is under these ages, and in all

cases of compulsory apprenticeship, where the infant refuses assent, his signature shall not be necessary to the validity of the apprenticeship. The master's obligation of apprenticeship, in all cases of compulsory apprenticeship, and cases where the father or mother does not bind the child, shall be executed in the presence of the District Judge, or one of the Magistrates, certified by him, and filed in the office of the Clerk of the District Court.

XX. The indenture of voluntary apprenticeship shall be under seal, and be signed by the master, the parent and the apprentice, attested by two credible witnesses, and approved by the District Judge, or one of the Magistrates. . .

XXII. The master or mistress shall teach the apprentice the business of husbandry, or some other useful trade or business, which shall be specified in the instrument of apprenticeship; shall furnish him wholesome food and suitable clothing; teach him habits of industry, honesty and morality; govern and treat him with humanity; and if there be a school within a convenient distance, in which colored children are taught, shall send him to school at least six weeks in every year of his apprenticeship, after he shall be of the age of ten years: *Provided*, That the teacher of such school shall have the license of the District Judge to establish the same.

XXIII. The master shall have authority to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service.

XXIV. The master shall receive to his own use the profits of the labor of his apprentice. The relation of master and apprentice shall be dissolved by the death of the master, except where the apprentice is engaged in husbandry, and may be dissolved by order of the District Judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case, it shall terminate at the end of the year in which the master died.

XXV. In cases of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of moral contamination by the vicious conduct of the master, the relation of master and apprentice may be

dissolved by the order of the District Judge; and any person shall have the right to complain to the District Judge that the master does not exercise proper discipline over his apprentice, to the injury of his neighbors; and if upon investigation, it shall be so found, the relation between the parties shall be dissolved.

XXVI. In case of alleged violation of duty, or of misconduct on the part of the master or apprentice, either party may make complaint to a Magistrate, who shall summon the parties before him, inquire into the causes of complaint, and make such order as shall be meet, not extending to the dissolution of the relation of the parties; and if the master be found to be in default, he shall be fined not exceeding twenty dollars and costs; and if the apprentice be in default, he may be corrected in such manner as the Magistrate shall order. A frivolous complaint made by either party shall be regarded as a default.

XXVII. In cases in which the District Judge shall order the apprentice to be discharged for immoderate correction, or unlawful restraint of the apprentice, the master shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of the Court, not exceeding a fine of fifty dollars, and imprisonment of thirty days; and, also, to an action for damages, by the apprentice. . .

XXIX. A mechanic, artisan or shop keeper, or other person who is required to have a license, shall not receive any colored apprentice without having first obtained such license.

XXX. At the expiration of his term of service, the apprentice shall have the right to recover from his master a sum not exceeding sixty dollars.

CONTRACTS FOR SERVICE

XXXV. All persons of color who may contract for service or labor, shall be known as servants, and those with whom they contract, shall be known as masters.

XXXVI. Contracts between masters and servants, for one month or more, shall be in writing, be attested by one white witness, and be approved by the Judge of the District Court, or by a magistrate. . .

XXXVIII. If the rate of wages be not stipulated by the parties to the contract, it shall be fixed by the District Judge, or a Magistrate, on application by one of the parties, and notice to the other.

XXXIX. A person of color, who has no parent living in the District, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one year or less.

XL. Contracts between masters and servants may be set aside for fraud or unfairness, notwithstanding they have been approved.

XLI. Written contracts between masters and servants shall be presented for approval within twenty days after their execution.

XLII. Contracts for one month or more shall not be binding on the servant, unless they are in writing, and have been presented for approval within the time aforesaid.

XLIII. For any neglect of the duty to make a contract as herein directed, or the evasion of that duty by the repeated employment of the same persons for periods less than one month, the party offending shall be guilty of a misdemeanor, and be liable on conviction, to pay a sum not exceeding fifty dollars, and not less than five dollars, for each person so employed. No written contract shall be required when the servant voluntarily receives no remuneration except food and clothing. . .

REGULATIONS OF LABOR ON FARMS

XLV. On farms or in out-door service, the hours of labor, except on Sunday, shall be from sun-rise to sun-set, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning, feed, water and care for the animals on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by the master, and begin the farm work or other work by sun-rise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used by him, shall protect the same from injury by other per-

sons, and shall be answerable for all property lost, destroyed or injured by his negligence, dishonesty or bad faith.

XLVI. All lost time, not caused by the act of the master, and all losses occasioned by neglect of the duties hereinbefore described, may be deducted from the wages of the servant; and food, nursing and other necessaries for the servant, whilst he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and orderly in their quarters, at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at seasonable hours. Work at night, and out-door work in inclement weather, shall not be exacted, unless in case of necessity. Servants shall not be kept at home on Sunday, unless to take care of the premises, or animals thereupon, or for work of daily necessity, or on unusual occasions; and in such cases, only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular turn. Absentees on Sunday shall return to their homes by sun-set.

XLVII. The master may give to his servant a task at work about the business of the farm which shall be reasonable. If the servant complain of the task, the District Judge, or a Magistrate, shall have power to reduce or increase it. Failure to do a task shall be deemed evidence of indolence, but a single failure shall not be conclusive. When the servant has entered into a contract, he may be required to rate himself as a full hand, three-fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages.

XLVIII. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

XLIX. Servants shall not be absent from the premises without the permission of the master.

RIGHTS OF MASTER AS BETWEEN HIMSELF AND HIS SERVANT

L. When the servant shall depart from the service of the

master without good cause, he shall forfeit the wages due to him. The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful, sober, civil and diligent in his business. The master may moderately correct servants who have made contracts, and are under eighteen years of age. He shall not be liable to pay for any additional or extraordinary services or labor of his servant, the same being necessary, unless by express agreement.

CAUSES OF DISCHARGE OF A SERVANT

LI. The master may discharge his servant for wilful disobedience of the lawful order of himself or his agent; habitual negligence or indolence in business; drunkenness, gross moral or legal misconduct; want of respect and civility to himself, his family, guests or agents; or for prolonged absence from the premises, or absence on two or more occasions without permission.

LII. For any acts or things herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge, or one of the Magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict, or cause to be inflicted, on the servant, suitable corporal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work; which fine shall be deducted from his wages, if not otherwise paid.

LIII. If a master has made a valid contract with a servant, the District Judge or Magistrate may compel such servant to observe his contract, by ordering infliction of the punishment, or imposition of the fine hereinbefore authorized.

RIGHTS OF MASTER AS TO THIRD PERSONS

LIV. The master shall not be liable for the voluntary trespasses, torts or misdemeanors of his servants. He shall not be liable for any contract of a servant, unless made by his authority; nor for the acts of the servant, unless they shall be done within the scope of the authority intrusted to him by the master, or in the course of his employment for the master; in

which excepted cases the master shall be answerable for the fraud, negligence or want of skill of his servant. The master's right of self-defense shall embrace his servant. It shall be his duty to protect his servant from violence by others, in his presence, and he may render him aid and assistance in obtaining redress for injury to his rights of person or property.

LV. Any person who shall deprive a master of the service of his servant, by enticing him away, or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred dollars, and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the Court, not exceeding sixty days; and, also, to an action by the master to recover damages for loss of services.

LVI. The master may command his servant to aid him in the defense of his own person, family, premises or property; or of the personal property of any servant on the premises of the master; and it shall be the duty of the servant, promptly to obey such command.

LVII. The master shall not be bound to furnish medicine or medical assistance for his servant, without his express engagement.

LVIII. A master may give the character of one who has been in his service to a person who may make inquiry of him; which shall be a privileged communication, unless it be falsely and maliciously given. And no servant shall have the power to make a new contract, without the production of the discharge of his former master, District Judge or Magistrate.

LIX. Any person who shall wilfully misrepresent the character of a servant, whether he has been in his service or not, either for moral qualities, or for skill or experience in any employment or service, shall be liable to an action for damages by any one who has been aggrieved thereby.

LX. Upon the conviction of any master of larceny or felony, the District Judge shall have the right, upon the demand of any white freeholder, to annul the contract between such convict and his colored servants. If any white free-

holder shall complain to the District Judge that any master so manages and controls his colored servants as to make them a nuisance to the neighborhood, the Judge shall order an issue to be made up and tried before a jury, and if such issue is found in favor of the complainant, the District Judge shall annul the contract between such master and his colored servant or servants, and in each of the cases above provided for, he shall not approve any subsequent contract between such person and any colored servant for two years thereafter.

RIGHTS OF SERVANT AS BETWEEN HIMSELF AND MASTER

LXI. The servant may depart from the master's service for an insufficient supply of wholesome food; for an unauthorized battery upon his own person, or one of his family, not committed in defense of the person, family, guests or agents of the master, not to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may recover wages due for services rendered to the time of his departure.

LXII. The contract for service shall not be terminated by the death of the master, without the assent of the servant. Wages due to white laborers and to white and colored servants shall rank as rent does, in case of the insufficiency of the master's property to pay all debts and demands against him, but not more than one year's wages shall be so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service according to the contract. If his wages have not been paid to the day of his discharge, he may regard his contract rescinded by the discharge, and recover wages up to that time. . .

LXIV. The master shall, upon the discharge, or at the expiration of his term of service, furnish the servant with a certificate of discharge, and at the request of the servant, give him a certificate of character.

MUTUAL RIGHTS OF MASTER AND SERVANT

LXV. Whenever a master discharges a servant, the servant may make immediate complaint to a District Judge or

Magistrate, and whenever a servant departs from his master's service, the master may make like complaint. In either case, the District Judge or Magistrate, shall, by summons or warrant, have the parties brought before him, hear them and their witnesses, and decide as to the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudice any further action on either side, but it may avail to restore the relation of master and servant between the parties, if that be ordered. If the servant be decided to have been unlawfully discharged, and should desire to return to service under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in case of his refusal. If the master desire the return of the servant, who has been decided to have departed without sufficient cause, the servant may be compelled, by fine and corporal punishment, to return to the service of the master, and perform his duties under the contract.

RIGHTS OF SERVANTS AS TO THIRD PERSONS

LXVI. The servant shall not be liable for contracts made by the express authority of his master.

LXVII. A servant shall not be liable, civilly or criminally, for any act done by the command of his master, in defense of the master's person, family, guests, agents, servants, premises or property. He shall not be liable, in any action *ex delicto*, for any tort committed on the premises of the master by his express command.

HOUSE SERVANTS AND OTHERS NOT IN HUSBANDRY

LXVIII. The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties, with the following modifications:

LXIX. Servants and apprentices employed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day and night, and on all days of the week, promptly answer all calls and obey and execute all lawful orders and commands of the family in whose service they are employed.

LXX. It is the duty of this class of servants to be especially civil and polite to their masters, their families and guests, and they shall receive gentle and kind treatment.

FOR ALL SERVANTS

LXXI. In all contracts between master and servant for service, the foregoing regulations shall be stipulations, unless it shall be otherwise provided in the contract, and the following form shall be a sufficient contract, unless some special agreement be made between the parties:

Form of Contract

I (name of servant) do hereby agree with (name of master) to be his (here insert the words "household servant" or "servant in husbandry," as the case may be,) from the date hereof, at the wages of (here insert the wages, to be paid by the year or month;) and in consideration thereof, I (name of master) agree to receive the said (name of servant) as such servant, and to pay him the said wages, this ..... day of .....186.....

A. B.

Witness; E. F. C. D.

I approve the above contract this.....day of .....186 ...

G. H., (*Judge of the District Court, or Magistrate.*)

After the words "servant in husbandry" may be inserted, if it be required, the words "to be rated as full hand, three-fourths hand, half hand, or one-fourth hand," as the case may be.

MECHANICS, ARTISANS AND SHOPKEEPERS

LXXII. No person of color shall pursue or practice the art, trade or business of an artisan, mechanic or shopkeeper, or any other trade, employment or business (besides that of husbandry, or that of a servant under a contract for service or labor,) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any per-

son, until he shall have obtained a license therefor from the Judge of the District Court; which license shall be good for one year only. This license the Judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness, and of his good moral character, and upon payment, by the applicant, to the Clerk of the District Court, of one hundred dollars, if a shopkeeper or peddler, to be paid annually, and ten dollars, if a mechanic, artisan or to engage in any other trade, also to be paid annually: *Provided, however,* That upon complaint being made and proved to the District Judge of an abuse of such license he shall revoke the same: *and provided, also,* That no person of color shall practice any mechanical art or trade unless he shows that he has served an apprenticeship in such trade or art, or is now practicing such trade or art. . .

EVICTION OF PERSONS OF COLOR

LXXV. Where, upon any farm or lands, there now are persons of color, who were formerly the slaves of the owner, lessee or occupant of the said farm or lands, who may have been there on the tenth day of November, eighteen hundred and sixty-five, and have been on said land for six months previous; and who are helpless, either from old age, infancy, disease or other cause; and who are unable, of themselves, and have no parent or other officer able to maintain them, and to provide other homes or quarters, it shall not be lawful for the present, or any subsequent owner, lessee or occupant, before the first day of January, in the year eighteen hundred and sixty-seven, to evict or drive from the houses which now are, or hereafter shall be, lawfully occupied by such helpless persons of color, such helpless persons, or any of them, by rendering such houses uninhabitable, or by any other means; and upon conviction of having done so, every such owner, lessee, occupant, agent or other person, shall be fined not exceeding fifty dollars, nor less than five dollars, for each person of color so evicted, and may be imprisoned, at the discretion of the Judge of the District Court, not exceeding one month.

LXXVI. But the owner, lessee, occupant of such farm or

lands shall, nevertheless, have authority to preserve order and good conduct in the houses so occupied as aforesaid, and to prevent visitors and other persons from sojourning therein; and for insolence to himself or family, for theft or trespass committed by such persons of color, or any one of them, upon the premises, or for violation by them of his regulations for the preservation of order and good conduct, the prevention of visitors and sojourners therein, the owner, lessee, or occupant, may complain to the Judge of the District Court, or a Magistrate, who, upon finding the complaint well founded, may, according to the case, cause the immediate eviction of some or all of such persons of color, and their removal from the premises. After the period aforesaid, they may be ejected, as is hereinafter provided in case of intruders.

LXXVII. It shall be the duty of the Judge of the District Court, or of any Magistrate, on complaint made to him, that persons of color have intruded into any house or upon any premises, as trespassers or otherwise, or that they unlawfully remained therein without permission of the owner, on ascertaining the complaint to be well founded, to cause such persons to be immediately removed therefrom; and in case of the return of such persons, without lawful permission, the party so offending may be subjected to such fine and corporal punishment as the Magistrate or District Judge may see proper to impose.

LXXVIII. During the term of service, the house occupied by any servant is the master's; and, on the expiration of the term of service or the discharge of a servant, he shall no longer remain on the premises of the master; and it shall be the duty of the Judge of the District Court or a Magistrate on complaint of any person interested and due proof made, to cause such servant to be immediately removed from such premises.

LXXIX. Leases of a house or land to a person of color shall be in writing. If there be no written lease, or the term of lease shall have expired, the person of color in possession shall be a tenant at will, and shall not be entitled to notice; and on complaint by any person interested to the Judge of the District Court, or a Magistrate, such person of color shall be

instantly ejected by order or warrant, unless he produce a written lease authorizing his possession, or prove that such writing existed and was lost.

PAUPERS

LXXXI. When a person of color shall be unable to earn his support, and is likely to become a charge to the public, the father and grandfathers, mother and grandmothers, child and grandchild, brother and sister of such person, shall, each according to his ability, contribute monthly, for the support of such poor relative, such sum as the District Judge, or one of the Magistrates, upon complaint to him, shall deem necessary and proper; and on failure to pay such sum, the same shall be collected by summary order or process.

LXXXII. In each Judicial District, except the Judicial District of Charleston, in which there shall be one Board for the Election District of Charleston, and one for the Election District of Berkeley, there shall be established a Board, to be known as the "Board of Relief of Indigent Persons of Color," which shall consist of a Chairman and not less than three, nor more than seven other members, all of whom shall be Magistrates of the District, and be selected by the District Judge.

LXXXV. A District Court Fund shall be established in each District to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the District Judge, all fines, penalties and forfeitures collected under order or process from the District Court, or a Magistrate of the District, fees for appeal from the District Judge, wages of convicts, and taxes collected under the order of the Board of Relief of Indigent Persons of Color.

LXXXVI. If the District Court Fund, after the payment of the sums with which it is charged, on account of the salary of the Judge of the District Court, Superintendent of Convicts, Jurors and other expenses of the Court, and of convicts, shall be insufficient to support indigent persons of color, who may be proper charges on the public, the Board aforesaid shall have power to impose for that purpose, whenever it may be required,

a tax of one dollar on each male person of color between the ages of eighteen and fifty years, and fifty cents on each unmarried female person of color between the ages of eighteen and forty-five; to be collected in each precinct by a Magistrate thereof: *Provided,* That the said imposition of a tax shall be approved in writing by the Judge of the District Court, and that his approval shall appear in the Journals of that Court.

XCII. The Board of Relief of Indigent Persons of Color shall determine the sum necessary for the support of each indigent person of color, who shall be deemed a proper charge on the public, the sum required by each precinct, the sum which shall be paid to each Magistrate to be disbursed by him, when reports from occupants as aforesaid shall be required, and when a tax shall be imposed. It shall direct the Magistrates respectively in the performance of the duties required of them in reference to paupers and the District Court Fund, and it shall report to the District Court all delinquencies and delinquents.

XCIV. On satisfactory information to the District Judge, or a Magistrate, that a person of color has removed from another district, and is likely to become a charge to the district into which he has removed, the District Judge, or the Magistrate, shall proceed against such person as a vagrant, and, on conviction, he shall be punished as such: *Provided, however,* That persons of color who were removed by their former masters from other districts, within the last five years, shall be allowed twelve months to return to the districts from which they were removed; and those who have been separated from their families or relatives shall be allowed to return to them within twelve months.

VAGRANCY AND IDLENESS

XCV. These are public grievances, and must be punished as crimes.

XCVI. All persons who have not some fixed and known place of abode, and some lawful and reputable employment; those who have not some visible and known means of a fair, honest and reputable livelihood; all common prostitutes; those who are found wandering from place to place, vending, barter-

ing or peddling any articles or commodities, without a license from a District Judge, or other proper authorities; all common gamblers; persons who lead idle or disorderly lives, or keep or frequent disorderly or disreputable houses or places; those who, not having sufficient means of support, are able to work and do not work; those who (whether or not they own lands, or are lessees or mechanics,) do not provide a reasonable and proper maintenance for themselves and families; those who are engaged in representing, publicly or privately, for fee or reward, without license, any tragedy, interlude, comedy, farce, play or other similar entertainment, exhibition of the circus, sleight-of-hand, wax works, or the like; those who, for private gain, without license, give any concert or musical entertainment, of any description; fortune-tellers; sturdy beggars; common drunkards; those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants, shall be deemed vagrants, and be liable to the punishment hereinafter described.

XCVII. Upon information, an oath of another, or upon his own knowledge, the District Judge, or a Magistrate, shall issue a warrant for the arrest of any person of color known or believed to be a vagrant, within the meaning of this Act. The Magistrate may proceed to try, with the assistance of five freeholders, or calling to his aid another Magistrate, the two may proceed to try, with the assistance of three freeholders, as is provided by the Act of seventeen hundred and eighty-seven, concerning vagrants; or the Magistrate may commit the accused to be tried before the District Court. On conviction the defendant shall be liable to imprisonment, and to hard labor, one or both, as shall be fixed by the verdict, not exceeding twelve months.

"Persons of Color" in Tennessee

Laws of Tennessee, 1865-1866, p. 65, c. 40. This act was passed by the Brownlow government, while the Confederates were disfranchised. [May 26, 1866]

Sec. 1. *Be it enacted,* . . That all negroes, mulattoes, mesti-

zoes, and their descendants having any African blood in their veins, shall be known in this State as "persons of color." . .

Sec. 3. . . All persons of color, being blind, deaf and dumb, lunatics, paupers or apprentices, shall have the full and perfect benefit and application of all laws regulating and providing for white persons, being blind or deaf and dumb, or lunatics or paupers or either (in asylums for their benefit) and apprentices.

Sec. 4. . . *Provided,* That nothing in this act shall be so construed as to admit persons of color to serve on the jury: *And provided further,* That the provisions of this act shall not be so construed as to require the education of colored and white children in the same school.

The Negro in the New Constitutions

Constitution of Texas, adopted in 1866. This is an example of one of the "Johnson" state constitutions in regard to the negro. [1866]

[Article VIII.] Sec. 1. African slavery as it heretofore existed, having been terminated within this State by the Government of the United States, by force of arms, and its reëstablishment being prohibited by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except as a punishment for crimes, whereof the party shall have been duly convicted, shall exist in this State; and Africans and their descendants shall be protected in their rights of person and property by appropriate legislation; and shall have the right to contract and be contracted with; to sue and be sued; to acquire, hold, and transmit property; and all criminal prosecutions against them shall be conducted in the same manner as prosecutions for like offenses against the white race, and they shall be subject to like penalties.

Sec. 2. Africans and their descendants shall not be prohibited, on account of their color or race, from testifying orally, as witnesses, in any case, civil or criminal, involving the right of injury to, or crime against, any of them in person or property, under the same rules of evidence that may be applicable to the white race; the credibility of their testimony to be determined

by the court or jury hearing the same; and the legislature shall have power to authorize them to testify as witnesses in all other cases, under such regulations as may be described, as to facts hereafter occurring.

[Article X.] Sec. 7. The legislature may provide for the levying of a tax for educational purposes: . . *Provided,* That all the sums arising from said tax which may be collected from Africans, or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children; and it shall be the duty of the legislature to encourage schools among these people.

V

THE FREEDMEN'S BUREAU AND THE FREEDMEN'S BANK

INTRODUCTION

A MOST important cause of the failure of the President's policy was the unfriendly influence of the Freedmen's Bureau. This institution was in existence before Johnson began his work of restoration, was most active during the period 1865-1867, and was practically independent of the President, in entire control of the blacks, and interfering at will with the State governments. This "Bureau of Freedmen, Refugees, and Abandoned Lands" was created by an act of Congress, March 3, 1865, to last one year, but was continued in full force by later acts until 1868; the educational department was continued until 1872. Its establishment was due partly to the fear entertained by the North that the Southerners if left to deal with the blacks would attempt to re-establish slavery, partly to the necessity for extending relief to needy negroes and whites in the devastated South, and partly to take charge of confiscated property. During the Civil War many negroes came into the Federal lines and had to be cared for. The able-bodied men were enlisted in the army and the women, children and old men were settled in large camps on confiscated Southern property, where they were cared for alternately by the War Department and by the Treasury Department until the organization of the Freedmen's Bureau. At the head of the Bureau was a commissioner, General O. O. Howard, and under him in each Southern state was an assistant commissioner with a corps of subordinate local agents. The officials had full authority in

all matters that concerned the blacks. The work of the Bureau may be classified as follows: (1) distribution of rations and medical supplies among the blacks; (2) establishing schools for them and aiding benevolent societies to establish schools and churches; (3) regulation of labor and contracts; (4) the custody of confiscated lands; (5) administration of justice in all cases in which blacks were concerned. For several years the ex-slaves were under the almost absolute control of the Bureau. Whether this control had a good or bad effect is still disputed, the Southern whites and many Northerners holding that the results of the Bureau's work were bad; others that it was distinctly good. There is now no doubt that while most of the higher officials of the Bureau were good men, the subordinate agents were generally without character or judgment and that their interference between the races caused lasting discord. Much necessary relief work was done, especially among the whites, but demoralization was also caused by it, and later the institution was used by the agents as a means of securing negro votes. As to the Bureau's influence in educational and religious matters, North and South have not yet agreed. The whole field of labor and contracts was covered by the minute regulations of the Bureau which, good in theory, were impracticable, and which failed altogether, but not until labor had been disorganized for several years. The administration of justice by the Bureau agents gradually became a petty persecution of the whites and bloody conflicts sometimes resulted. The law creating the Bureau provided for the division of the confiscated property among the negroes, and, though executed only in parts of Louisiana, South Carolina, Florida, and Georgia, caused the negroes to believe that they were to be cared for at the expense of their former masters. This belief made them subject to swindling schemes perpetrated by persons

REFERENCES

Department of Negro Affairs: Fleming, *Civil War and Reconstruction in Alabama*, p. 421; Garner, *Reconstruction in Mississippi*, p. 238; Phelps, *Louisiana*, p. 329; Pierce, *Freedmen's Bureau*, ch. 1, 2.

Establishment of the Bureau: Burgess *Reconstruction and the Constitution*, p. 44; DuBois, *Souls of Black Folk*; Dunning, *Civil War and Reconstruction*, p. 73; Fleming, p. 423; Garner, p. 254; Herbert, *The Solid South*, p. 16; Reynolds, *Reconstruction in South Carolina*, p. 44; Phelps, p. 330; Pierce, ch. 3; Wallace, *Carpet Bag Rule in Florida*, p. 41.

The President's Vetoes: Burgess, p. 87; Dunning, p. 89; Rhodes, *History of the United States*, vol. v, p. 571; Pierce, ch. 4.

The Bureau and the Civil Authorities: Fleming, p. 427; Garner, p. 266; Pierce, p. 53.

Bureau Finances: Fleming, p. 431; Garner, p. 257; Pierce, ch. 7.

Relief Work: DuBois, *Souls of Black Folk*; Fleming, p. 441; Garner, p. 259; Hollis, *Reconstruction in South Carolina*, ch. 5; Pierce, ch. 6.

Labor Problems: Fleming, p. 433; Garner, p. 255; Pierce, ch. 8.

Bureau Courts: Dunning, p. 141; Fleming, p. 438; Garner, p. 263; Herbert, pp. 118, 237; Phelps, pp. 329, 337; Pierce, ch. 8.

Bureau Schools: DuBois, *Souls of Black Folk*; Fleming, p. 456; Garner, p. 260; Montgomery Conference, *Race Problems*, p. 108; Pierce, ch. 5.

Freedmen's Savings Bank: Fleming, p. 451; Herbert, p. 333; Hoffman, *Race Traits and Tendencies*, p. 289; *Yale Review*, May, 1906; Williams, *History of the Negro Race*, vol. ii, p. 403.

Confiscation: Forty Acres and a Mule: Fleming, pp. 431, 446; Garner, p. 258; *North American Review*, May, 1906.

Political Activities of the Bureau: Dunning, p. 200; Fleming, pp. 557, 567; Herbert, pp. 17, 30; Pierce, ch. 9; Wallace, p. 42.

Results of the Bureau's Work: Avary, *Dixie After the War*, ch. 17, 18; Bruce, *Plantation Negro as a Freeman*; Burgess, pp. 45, 63; Fleming, p. 444; Garner, p. 267; Herbert, pp. 16, 30, 118, 236, 356; Phelps, ch. 14; Wallace, p. 41.

who promised to secure lands for them. When negro suffrage was imposed by Congress upon the Southern states the Bureau aided the Union League in organizing the blacks into a political party opposed to the whites. Practically all the subordinate Bureau officials and several of the higher ones secured office through their control of the blacks.

The Freedmen's Savings and Trust Company was not legally connected with the Bureau nor was it a government institution, but it was conducted mainly by Bureau officials, and the negro depositors became fixed in the belief that it was an institution of the government and that the latter was responsible for the loss of their savings entrusted to the bank.

1. LAWS RELATING TO THE BUREAU

First Freedmen's Bureau Act

Acts and Resolutions, 38 Cong., 2 Sess., p. 96. [March 3, 1865]

Be it enacted . . That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a Bureau of Refugees, Freedmen, and Abandoned Lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The said bureau shall be under the management and control of a commissioner, to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be three thousand dollars per annum, and such number of clerks as may be assigned to him by the Secretary of War, not exceeding one chief clerk, two of the fourth class, two of the third class, and five of the first class. And the commissioner, and all persons appointed under this act, shall, before entering upon their duties, take the ["iron clad" test oath] . . and the commissioner and chief clerk shall, before entering upon their duties, give bonds to the Treasurer of the United States, the former in the sum of fifty thousand dollars, and the latter in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties. . .

Sec. 2. . . The Secretary of War may direct such issues or provisions, clothing and fuel as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, and their wives and children. . .

Sec. 3. . . The President may, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of the States declared to be in insurrection, not exceeding ten in number, who shall, under the direction of the com-

missioner, aid in the execution of the provisions of this act; and he shall give a bond to the Treasurer of the United States, in the sum of twenty thousand dollars. . . Each of said [assistant] commissioners shall receive an annual salary of two thousand five hundred dollars in full compensation for all his services; and any military officer may be detailed and assigned to duty under this act without increase of pay or allowances. The commissioner shall, before the commencement of each regular session of Congress, make full report of his proceedings, with exhibits of the state of his accounts, to the President, who shall communicate the same to Congress, and shall also make special reports whenever required to do so by the President or either house of Congress; and the assistant commissioners shall make quarterly reports of their proceedings to the commissioner, and also such other special reports as from time to time may be required.

Sec. 4. . . The commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of lands within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land as it was appraised by the State authorities in the year eighteen hundred and sixty for the purpose of taxation; and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid.

Second Freedmen's Bureau Act

Acts and Resolutions, 39 Cong., 1 Sess., p. 191. A much more stringent bill was passed and vetoed by the President. It failed to pass over the veto. This act was also vetoed but was passed over the veto. [July 16, 1866]

Be it enacted . . That the act to establish a Bureau for the relief of Freedmen and Refugees, approved March third, eighteen hundred sixty-five, shall continue in force for the term of two years from and after the passage of this act.

Sec. 2. . . The supervision and care of said bureau shall extend to all loyal refugees and freedmen, so far as the same may be necessary to enable them as speedily as practicable to become self-supporting citizens of the United States, and to aid them in making the freedom conferred by the proclamation of the Commander-in-Chief, by emancipation under the laws of the States, and by constitutional amendment, available to them and beneficial to the Republic.

Sec. 3. . . The President shall, by and with the consent of the Senate, appoint two assistant commissioners, in addition to those authorized by the act to which this is an amendment, who shall give like bonds and receive the same annual salaries provided in said act; and each of the assistant commissioners of the bureau shall have charge of the district containing such refugees or freedmen, to be assigned him by the Commissioner, with the approval of the President. And the Commissioner shall, under the direction of the President, and so far as the same shall be, in his judgment, necessary for the efficient and economical administration of the affairs of the bureau, appoint such agents, clerks and assistants as may be required for the proper conduct of the bureau. Military officers or enlisted men may be detailed for service and assigned to duty under this act; and the President may, if in his judgment safe and judicious so to do, detail from the Army all the officers and agents of the bureau; but no officer so assigned shall have increase of pay or allowances. Each agent or clerk, not heretofore authorized by law, not being a military officer, shall have an annual salary of not less than $500, nor more than $1,200, according to the service required of him. And it shall be the duty of the Commissioner, when it can be done consistently with

the public interest, to appoint, as assistant commissioners, agents, and clerks, such men as have proved their loyalty by faithful service in the armies of the Union during the rebellion. And all persons appointed to service under this act and the act to which this is an amendment, shall be so far deemed in the military service of the United States as to be under the military jurisdiction and entitled to the military protection of the Government while in the discharge of the duties of their office.

Sec. 4. . . The officers of the Veteran Reserve Corps or of the volunteer service, now on duty in the Freedmen's Bureau as assistant commissioners, agents, medical officers, or in other capacities, whose regiments or corps have been or may hereafter be mustered out of service, may be retained upon such duty as officers of said bureau, with the same compensation as is now provided by law for their respective grades; and the Secretary of War shall have power to fill vacancies until other officers can be detailed in their places without detriment to the public service.

Sec. 5. . . The second section of the act to which this is an amendment shall be deemed to authorize the Secretary of War to issue such medical stores or other supplies and transportation and afford such medical or other aid as may be needful for the purposes named in said section: *Provided,* that no person shall be deemed "destitute," "suffering," or "dependent upon the Government for support," within the meaning of this act, who is able to find employment, and could, by proper industry and exertion, avoid such destitution, suffering, or dependency.

Sec. 6. . . Whereas, by the provisions of [an act of February 6, 1863] certain lands in the parishes of St. Helena and St. Luke, South Carolina, were bid in by the United States at public tax sales, and by limitation of said act the time of redemption of said lands has expired; and whereas, in accordance with instructions issued by President Lincoln on [September 16, 1863] to the United States direct tax commissioners of South Carolina, certain lands bid in by the United States in the parish of St. Helena, in said State, were in part sold by the said tax

commissioners to "heads of families of the African race," in parcels of not more than twenty acres to each purchaser; and whereas, under the said instructions, the said tax commissioners did also set apart as "school farms" certain parcels of land in said parish, numbered on their plats from one to thirty-three inclusive, making an aggregate of six thousand acres, more or less: *Therefore, be it further enacted,* That the sales made to "heads of families of the African race," under the instructions of President Lincoln to the United States direct tax commissioners for South Carolina, . . are hereby confirmed and established; and all leases which have been made to such "heads of families" by said direct tax commissioners, shall be changed into certificates of sale in all cases wherein the lease provides for such substitution; and all the lands now remaining unsold, which come within the same designation, being eight thousand acres, more or less, shall be disposed of according to said instructions.

Sec. 7. . . All other lands bid in by the United States at tax sales, being thirty-eight thousand acres, more or less, and now in the hands of the said tax commissioners as the property of the United States, in the parishes of St. Helena and St. Luke, excepting the "school farms," as specified in the preceding section, and so much as may be necessary for military and naval purposes at Hilton Head, Bay Point, and Land's End, and excepting also the city of Port Royal on St. Helena island, and the town of Beaufort, shall be disposed of in parcels of twenty acres, at one dollar and fifty cents per acre, to such persons, and to such only, as have acquired and are now occupying lands under and agreeably to the provisions of General Sherman's special field order, dated at Savannah, Georgia, [January 16, 1865] and the remaining lands, if any, shall be disposed of in like manner to such persons as had acquired lands agreeably to the said order of General Sherman but who have been dispossessed by the restoration of the same to former owners: Provided, That the lands sold in compliance with the provisions of this and the preceding section shall not be alienated by their purchasers within six years from and after the passage of this act.

Sec. 8. . . The "school farms" . . shall be sold, . . and the proceeds of said sales . . shall be invested in United

States bonds, the interest of which shall be appropriated, under the direction of the Commissioner, to the support of schools, without distinction of color or race, on the islands in the parishes of St. Helena and St. Luke.

Sec. 9. . . The assistant commissioners for South Carolina and Georgia are hereby authorized to examine all claims to lands in their respective States which are claimed under the provisions of General Sherman's special field order, and to give each person having a valid claim a warrant upon the direct tax commissioners for South Carolina for twenty acres of land; and the said direct tax commissioners shall issue to every person, or to his or her heirs, but in no case to any assigns, presenting such warrant, a lease of twenty acres of land, as provided for in section seven, for the term of six years; but at any time thereafter, upon the payment of a sum not exceeding one dollar and fifty cents per acre, the person holding such lease shall be entitled to a certificate of sale of said tract of twenty acres from the direct tax commissioner or such officer as may be authorized to issue the same; but no warrant shall be held valid longer than two years after the issue of the same.

Sec. 10. . . The tax commissioners for South Carolina are hereby authorized and required, at the earliest day practicable, to survey the lands designated in section seven into lots of twenty acres each, with proper metes and bounds distinctly marked, so that the several tracts shall be convenient in form, and as near as practicable have an average of fertility and woodland. . .

Sec. 11. . . Restoration of lands occupied by freedmen under General Sherman's field order dated at Savannah, Georgia, [January 16, 1865] shall not be made until after the crops of the present year shall have been gathered by the occupants of said lands, nor until a fair compensation shall have been made to them by the former owners of such lands, or their legal representatives, for all improvements or betterments erected or constructed thereon, and after due notice of the same being done shall have been given by the assistant commissioner.

Sec. 12. . . The Commissioner shall have power to seize, hold, use, lease, or sell all buildings, and tenements, and any lands appertaining to the same, or otherwise, formerly held under color of title by the late so-called Confederate States, and not heretofore disposed of by the United States, and any buildings or lands held in trust for the same by any person or persons, and to use the same or appropriate the proceeds derived therefrom to the education of the freed people; and whenever the bureau shall cease to exist, such of said so-called Confederate States as shall have made provision for the education of their citizens without distinction of color shall receive the sum remaining unexpended of such sales or rentals, which shall be distributed among said States for educational purposes in proportion to their population.

Sec. 13. . . The Commissioner of this bureau shall at all times co-operate with private benevolent associations of citizens in aid of freedmen, and with agents and teachers, duly accredited and appointed by them, and shall hire or provide by lease, buildings for purposes of education whenever such associations shall, without cost to the Government, provide suitable teachers and means of instruction; and he shall furnish such protection as may be required for the safe conduct of such schools.

Sec. 14. . . In every State or district when the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and in every State or district whose constitutional relations to the Government have been practically discontinued by the rebellion, and until such State shall have been restored in such relations, and shall be duly represented in the Congress of the United States, the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of such State or district without respect to race or color, or previous

condition of slavery. And whenever in either of said States or districts the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and until such State shall have been restored to its constitutional relations to the Government, and shall be duly represented in the Congress of the United States, the President shall, through the Commissioner and the officers of the bureau, and under such rules and regulations as the President, through the Secretary of War, shall prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of such immunities and rights; and no penalty or punishment for any violation of law shall be imposed or permitted because of race or color, or previous condition of slavery, other or greater than the penalty or punishment to which the white persons may be liable by law for the like offense. But the jurisdiction conferred by this section upon the officers of the bureau shall not exist in any State where the ordinary course of judicial proceedings has not been interrupted by the rebellion, and shall cease in every State when the courts of the State and the United States are not disturbed in the peaceable course of justice, and after such State shall be fully restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States.

Sec. 15. . . That all officers, agents, and employees of this bureau, before entering upon the duties of their office, shall take the ["iron clad" test oath].

2. OFFICIAL REGULATIONS AND REPORTS

The Army and the Freedmen

Circular of General Schofield, commanding the Army of the Ohio and the Department of North Carolina. These are typical of the rules laid down in every Southern state by the army before the Bureau went into effect. [May 15, 1865]

THE following rules are published for the government of freedmen in North Carolina until the restoration of civil government in the State:

1. The common laws governing the domestic relations, such as those giving parents authority and control over their children, and guardians control over their wards, are in force. The parent's or guardian's authority and obligations take the place of those of the former master.

2. The former masters are constituted the guardians of minors, and of the aged and infirm, in the absence of parents or other near relatives capable of supporting them.

3. Young men and women under twenty-one years of age, remain under the control of their parents or guardians until they become of age, thus aiding to support their parents and younger brothers and sisters.

4. The former masters of freedmen may not turn away the young or the infirm, nor refuse to give them food and shelter; nor may the able-bodied men or women go away from their homes, or live in idleness, and leave their parents, children, or young brothers and sisters to be supported by others.

5. Persons of age, who are free from any of the obligations referred to above, are at liberty to find new homes wherever they can obtain proper employment; but they will not be supported by the Government, nor by their former masters, unless they work.

6. It will be left to the employer and servant to agree upon the wages to be paid; but freedmen are advised that for the present season they ought to expect only moderate wages, and where their employers cannot pay them money they ought to be contented with a fair share of the crops to be raised. They

have gained their personal freedom. By industry and good conduct they may rise to independence and wealth.

7. All officers, soldiers, and citizens are requested to give publicity to the rules, and to instruct the freed people as to their new rights and obligations.

8. All officers of the army, and of the county police companies, are authorized and required to correct any violation of the above rules within their jurisdiction.

9. Each district commander will appoint a superintendent of freedmen (a commissioned officer), with such number of assistants (officers and non-commissioned officers) as may be necessary, whose duty it will be to take charge of all the freed people in his district who are without homes or proper employment. The superintendents will send back to their homes all who have left them in violation of the above rules, and will endeavor to find homes and suitable employment for all others. They will provide suitable camps or quarters for such as cannot be otherwise provided for, and attend to their discipline, police, subsistence, etc.

10. The superintendents will hear all complaints of guardians or wards, and report the facts to their district commanders, who are authorized to dissolve the existing relations of guardian and ward in any case which may seem to require it, and to direct the superintendent to otherwise provide for the wards, in accordance with the above rules.

Rules and Regulations for Assistant Commissioners

House Ex. Doc. no. 11, 39 Cong., 1 Sess., p. 46. Howard's regulations. Approved June 2, 1865, by President Johnson. [May 30, 1865]

I. The headquarters of the Assistant Commissioners will, for the present, be established as follows, viz: for Virginia, at Richmond, Va.; for North Carolina, at Raleigh, N. C.; for South Carolina and Georgia, at Beaufort, S. C.; for Alabama, at Montgomery, Ala.; for Kentucky and Tennessee, at Nashville, Tenn.; for Missouri and Arkansas, at St. Louis, Mo.; for Mississippi, at Vicksburg, Miss.; for Louisiana, at New Orleans, La.; for Florida, at Jacksonville, Fla. . .

III. Relief establishments will be discontinued as speedily as the cessation of hostilities and the return of industrial pursuits will permit. Great discrimination will be observed in administering relief, so as to include none that are not absolutely necessitous and destitute.

IV. Every effort will be made to render the people self-supporting. Government supplies will only be temporarily issued to enable destitute persons speedily to support themselves, and exact accounts must be kept with each individual or community, and held as a lien upon their crops. . . The commissioners are especially to remember that their duties are to enforce, with reference to these classes, the laws of the United States.

V. Loyal refugees, who have been driven from their homes will, on their return, be protected from abuse, and the calamities of their situation relieved as far as possible. If destitute, they will be aided with transportation, and food when deemed expedient, while in transitu, returning to their former homes. . .

VII. In all places where there is an interruption of civil law, or in which local courts, by reason of old codes, in violation of the freedom guaranteed by the proclamation of the President and laws of Congress, disregard the negro's right to justice before the laws in not allowing him to give testimony, the control of all subjects relating to refugees and freedmen being committed to this bureau, the Assistant Commissioners will adjudicate, either themselves or through officers of their appointment, all difficulties arising between negroes themselves, or between negroes and whites or Indians, except those in military service, so far as recognizable by military authority, and not taken cognizance of by the other tribunals, civil or military, of the United States.

VIII. Negroes must be free to choose their own employers, and be paid for their labor. Agreements should be free, *bona fide* acts, approved by proper officers, and their inviolability enforced on both parties. The old system of overseers, tending to compulsory unpaid labor and acts of cruelty and oppression is prohibited. The unity of families, and all the rights of the family relation, will be carefully guarded. In places where the

local statutes make no provisions for the marriage of persons of color, the Assistant Commissioners are authorized to designate officers who shall keep a record of marriages, which may be solemnized by any ordained minister of the gospel, who shall make a return of the same, with such items as may be required for registration at places designated by the Assistant Commissioner. Registrations already made by the United States officers will be carefully preserved.

IX. Assistant Commissioners will instruct their receiving and disbursing officers to make requisitions upon all officers, civil or military, in charge of funds, abandoned lands, &c., within their respective territories, to turn over the same in accordance with the orders of the President. They will direct their medical officers to ascertain the facts and necessities connected with the medical treatment and sanitary condition of refugees and freedmen. They will instruct their teachers to collect the facts in reference to the progress of the work of education, and aid it with as few changes as possible to the close of the present season. During the school vacations of the hot months, special attention will be given to the provision for the next year.

X. Assistant Commissioners will aid refugees and freedmen in securing titles to land according to law. This may be done for them as individuals or by encouraging joint companies.

Instructions to Assistant Commissioners

House Ex. Doc. no. 11, 39 Cong., 1 Sess., p. 49. Circular instructions sent out by General Howard. [July 12, 1865]

EACH Assistant Commissioner will be careful, in the establishment of sub-districts, to have the office of his agent at some point easy of access for the people of the sub-district.

He will have at least one agent, either a citizen, military officer, or enlisted man, in each sub-district. This agent must be thoroughly instructed in his duties. He will be furnished with the proper blanks for contracts, and will institute methods adequate to meet the wants of his district in accordance with the rules of this bureau. No fixed rates of wages will be prescribed for a district, but in order to regulate fair wages in given in-

dividual cases the agent should have in mind minimum rates for his own guidance. By careful inquiry as to the hire of an able-bodied man when the pay went to the master, he will have an approximate test of the value of labor. He must of course consider the entire change of circumstances, and be sure that the laborer has due protection against avarice and extortion. Wages had better be secured by a lien on the crops or land. Employers are desired to enter into written agreements with employes, setting forth stated wages, or securing an interest in the land or crop, or both. All such agreements will be approved by the nearest agent, and a duplicate filed in his office. . .

In order to enforce the fulfilment of contracts on both contracting parties, the Commissioner of the bureau lays down no general rule — the Assistant Commissioner must use the privileges and authority he already has. Provost courts, military commissions, local courts, where the freedmen and refugees have equal rights with other people, are open to his use. In the great majority of cases his own arbitrament, or that of his agent, or the settlement by referees, will be sufficient.

No Assistant Commissioner, or agent, is authorized to tolerate compulsory unpaid labor, except for the legal punishment of crime. Suffering may result to some extent, but suffering is preferred to slavery, and is to some degree the necessary consequence of events.

In all actions the officer should never forget that no substitute for slavery, like apprenticeship without proper consent, or peonage, (i. e., either holding the people by debt, or confining them, without consent, to the land by any system,) will be tolerated.

The Assistant Commissioner will designate one or more of his agents to act as the general superintendent of schools (one for each State) for refugees and freedmen. This officer will work as much as possible in conjunction with State officers who may have school matters in charge. If a general system can be adopted for a State, it is well; but if not, he will at least take cognizance of all that is being done to educate refugees and freedmen, secure proper protection to schools and teachers, promote method and efficiency, correspond with the benevolent

agencies which are supplying his field, and aid the Assistant Commissioner in making his required reports. . .

All public addresses of a character calculated to create discontent are reprehensible; but the Assistant Commissioner and his agents must explain, by constant recapitulation, the principles, laws, and regulations of this bureau to all parties concerned. It is recommended to the Assistant Commissioners to draw up in writing a careful summary to be publicly and privately read by agents throughout their respective districts.

The Bureau and the Laws of theStates

House Ex. Doc. no. 70, 39 Cong., 1 Sess., p. 52. Howard's circular letter to assistant commissioners. [October 4, 1865]

STATE laws with regard to apprenticeship will be recognized by this bureau, provided they make no distinction of color; or in case they do so, the said laws applying to white children will be extended to the colored.

Officers of this bureau are regarded as guardians of orphans and minors of freedmen within their respective districts.

The principle to be adhered to with regard to paupers is, that each county, parish, township, or City shall care for and provide for its own poor.

Vagrant laws made for free people and now in force on the statute-books of the States embraced in the operations of this bureau, will be recognized and extended to the freedmen.

Regulation of Labor Contracts

House Ex. Doc. no. 70, 39 Cong., 1 Sess., p. 30. Issued by General A. Baird, New Orleans, Louisiana. [December 4, 1865]

I. . . ALL contracts for labor should be made in triplicate, and should be approved by the agent of this bureau for the parish in which the parties reside; one copy to be retained by the employer, and the other two copies sent to this office — one to be forwarded to Washington.

Contracts made otherwise than as thus prescribed will not be regarded as binding by the Bureau, nor as meriting its interference to enforce them, unless for the protection of the laborer.

II. As far as practicable, all members of the same family should contract conjointly for their labor, so that the number of useful hands and the number of the infirm who have to be supported may be regarded in fixing the rate of pay. The labor of minor children to be contracted for by their parents or guardian, and, in the absence of either, by the agent of this bureau. . .

IV. Twenty-six days of ten hours each in summer, and nine hours in winter, between the hours of daylight and dark, shall be considered a month.

V. Any work in excess of this will be considered as extra labor, and six hours will be considered as an equivalent for a day's work, and fractional parts of the six hours will be paid for at the same rate.

VI. Laborers working extra time will be allowed a half ration extra for each and every six hour's labor performed.

VII. In addition to the monthly wages paid to laborers, good and wholesome rations, comfortable clothing and quarters, medical attendance and just treatment, and the opportunity for instruction of children will be furnished free of charge; but the rations, clothing and quarters, fuel, and all other privileges granted by the employer, are part of the consideration which he pays for the services of the laborer, and are as really and fully wages as the money contracted to be paid, and are always taken into account in fixing the amount of money wages to be paid.

VIII. The Sabbath day being set apart for the worship of God, no laborer will be required to perform any work on that day, except works of necessity or mercy.

IX. The ration furnished to laborers shall be as follows: One peck of corn meal and five pounds of pork or bacon per week, and the money value of this ration will be taken into the account in fixing the rate of wages to be paid.

X. The allowance of clothing will be two summer and one winter suit for each laborer or member of the family, or clothing may be commuted at the rate of three dollars per month

for first-class hands, two and one-half dollars per month for second and third class hands, and one and one-half dollar per month for children, at the option of the laborer.

XI. Quarters shall be such as to protect the laborer and his family from the inclemency of the weather, and must contain accommodations for cooking, and, in addition, one-half acre of land, contiguous to the houses, will be set apart for each family for garden purposes.

XII. Should the contracting parties prefer it, the laborers can engage to furnish their own food and clothing, their wages to be regulated accordingly. These supplies may be purchased from the employer, who must, if he undertakes to supply his hands, in all cases, keep a regular book account for each hand, and sell at usual market rates, which accounts must be open at all times to the inspection of the agents of this bureau. This mode of contract is recommended to the freedmen. Should they desire to contract for a certain portion of the crop, they can do so, and the employer, in all contracts of this kind, will be required to comply with section XVII of this circular, and also to pay over to the agent of this bureau one-twentieth of the value of the laborer's share of said crop monthly, or whenever demanded, for school purposes; this estimate to be based on the average production of the land under cultivation.

XIII. Five per cent. of the monthly wages of the laborers will be retained in the hands of the employer, and paid over, when demanded, to the agent authorized to receive it, to be used for the purpose of sustaining schools for the education of the children of the freedmen, and for no other purpose; and if not demanded for the purpose designated during the year, the amount so retained will be paid over to the laborer at the settlement of his account. One-half of the balance of the monthly wages will be paid to the laborer on the last day of each month, and the remaining one-half will be retained by the employer until the contract is fulfilled, when it will be paid over to the laborer.

XIV. Should the laborer refuse to do the work contracted for, or should he leave the plantation or place on which, or

employer for whom, he has engaged to work, for the purpose of avoiding labor, without just cause or provocation, which will be determined by the agent of the bureau for the parish in which he resides, upon application — and failure to make application for redress by the laborer will be considered as *prima facie* evidence against him — he shall forfeit all wages that may be due him at the time of leaving to his employer; and should he refuse after having voluntarily entered into an agreement to labor, or fail to comply with, and be governed by, such ordinary and reasonable rules as may be adopted by his employer for the systematic carrying on of his business, or fail in any way to be a good and faithful laborer, according to his contract, or be wanting in due respect and obedience to his employer or his family, in the performance of his or their duties, he may be discharged, and obliged to remove his family from the premises of his employer. . . For failure to be at the appointed place of labor at the usual hour of commencing work, unless in case of sickness, the employer may deduct twice the amount of money wages for the time lost, to compensate for clothing and rations, as well as lost time.

XV. Planters and others employing labor will, when the nature of their business requires that work be performed at night and on Sundays, during certain periods, distinctly specify in the contract that the employes agree to do such work at such times as it may be required — the consideration for which must be distinctly stated in the agreement.

XVI. No restraints or disabilities shall be imposed upon freedmen that are not imposed upon white men. . .

XVII. Should the agent deem it necessary, he will require the employer to give security that the requisite amount of provision to furnish the laborers with the specified ration shall be on hand on the plantation from month to month for issue or sale to the laborers and their families, as the terms of their contract may require. The rations and clothing specified in the order will be the minimum that will be regarded by the bureau as sufficient food and comfortable clothing.

XVIII. Employers can adopt rules for systematizing the

work on their plantations or elsewhere, which rules and regulations shall be read in the presence of the laborers previous to contracting, and which, if assented to, shall be made part of the agreement, and be binding upon both parties. And the parties may agree upon a system of fines for violation of these rules, which fines shall constitute a fund to be distributed among the laborers who have not been delinquent; and in case there are none such, to be paid over to the agent of this bureau to be applied to the support of the freedmen's school.

XIX. All crops and property on any plantation where laborers are employed will be held to be covered by a lien against all other creditors to the extent of the wages due employes, and such lien will follow such crops and property in any and all hands until such labor is fully paid and satisfied.

XX. For the purpose of reimbursing to the United States some portion of the expenses of this system, and of supporting the aged, infirm, and helpless, the following tax will be collected:

For each planter, for every hand employed by him between the ages of eighteen and fifty, one dollar per annum.

Advice to Texas Planters

House Ex. Doc. no. 70, 39 Cong., 1 Sess., p. 147. General E. M. Gregory's circular No. 1, Galveston. [October 12, 1865]

EVERY just encouragement will be rendered the planter to assist him to adapt himself to the new condition of labor. It is essential for his success to accord to the negro all the rights of a freedman, and to meet him in the true spirit of justice and kindness; then there will be no difficulty to control the labor. The day of the lash and corporeal punishment is past, and must give way to law and moral power; man must learn to govern himself before he can expect to govern others; let every one practically realize that slavery is dead, past resurrection, and adverse to the spirit of the age and the decrees of a free people; therefore, let no man be deceived.

Advice to White and Black

House Ex. Doc. no 70, 39 Cong., 1 Sess., p. 154. Colonel Samuel Thomas's circular No. 7. Vicksburg, Mississippi. Colonel Thomas issued many long circulars of advice. [July 29, 1865]

I. The officers of the Freedmen's Bureau in the State of Mississippi will use all practicable means to make known the contents of this circular to the freed people under their care. Meetings of the colored people are recommended, at which the circular may be read and explained. Copies of it ought to be placed in the hands of intelligent preachers and other colored men, who will assist in making it known. The aid of teachers and other friends of the colored people may be secured.

II. By the proclamation of the President sanctioned by Congress the colored people are free. The result of the war, in which so many colored men have taken an honorable part, confirms their freedom. If in any place they are still held and treated as slaves, it is an outrage. To prevent such a wrong, and to secure to them protection the Bureau of Freedmen has been established, and its officers placed throughout the district. All colored people have a right and are invited to go to these officers for advice and protection whenever they think themselves wronged. The officers ask for the confidence of the colored people. Whenever the State laws and courts do not do justice to the colored man, by refusing the testimony of colored witnesses, or in any other way, the freed people must apply to the nearest officer of the Bureau; he will tell what is to be done in each case. The freedmen must not attempt to take the law into their own hands, or to right themselves by any kind of violence, carrying off property, or the like. White men will sometimes trespass upon a black man's rights or commit acts of personal violence, and then try to shield themselves under the plea that there is nothing but negro testimony against them. The officers of the Bureau have power to take up all such cases, and to admit the negro testimony, and the colored people must seek their remedy by going to these officers. . .

IV. They who have come out of slavery must exercise patience. No great change like that from slavery to freedom can be made to work perfectly at once. They must remember

that they cannot have rights without duties. Freedom does not mean the right to live without work at other people's expense, but means that each man shall enjoy the fair fruit of his labor. A man who can work has no right to a support by government or by charity. The issue of rations to colored people by the government during the war was an act of humanity, because they were driven from their work, forsaken by their old masters, and left without food. This is not the case now. The means and opportunity to make a respectable living are within the reach of every colored man in this State. No really respectable person wishes to be supported by others. Let each one patiently do what is right, and then it will be easy to secure them what is right from others. Many say the negro will never work except as a slave. The negro has it within his power to contradict this saying most effectually. Let him work, and his rights will soon be secure.

V. The colored people have behaved, in some respects, remarkably well. They have not, in more than a few instances, shown spite toward their late owners. It is far better that they should not. They can lose nothing by treating them respectfully. Where they have been well treated, and their late owners are disposed to give them their old quarters and fair wages, it will often be best for them to continue at the old place. A good master is likely to prove a good employer, and is to be treated with respect and affection. Where they know a white man to be tyrannical and unjust they will naturally avoid him, which they have a clear right to do. But this is all they need to do. They must not go back to take revenge for the past. Leave the unjust and violent white man to suffer for want of laborers; that is enough.

VI. The freed people must have schools. If they are not educated they will be at a constant disadvantage with white men. Where we have had schools it has been proved that the colored children can learn easily. Teachers will be sent to every place where they can be protected and sustained. But the government will not pay the teachers, and the benevolence of the north may not be able to support so many as will be needed. The colored people ought to aid. . . If they prefer

it at any place, they might agree to be taxed according to their incomes, and take measures, in consultation with the officers of the bureau, to collect the tax themselves, and pay it over to the officers, who will use it for the schools and give account to all concerned.

VII. Regular lawful marriage is a most important thing. No people can ever be good and great, nor even respectable, if the men and women, "take up together" without being married, and change from one to another and quarrel and part whenever the fancy takes them. Sin and shame of this class always destroys a people if not repented of. If slavery caused a bad state of things in this respect among the colored people, freedom ought to produce a better. Let the evils of slavery die with it. Regularly ordained colored ministers, who have so much education that they can make the certificate of marriage properly, may be authorized to solemnize marriage. All white ministers, qualified and willing, may have the same authority. And where there are no such ministers within reach, the commissioned officers of the Freedmen's Bureau can officiate. The people who have lived together without being married ought to come up and be married, for the sake of example. Let no woman consent to live with a man at all who will not at once marry her. Unfaithfulness to the marriage relation is such a sin and shame that it ought not to be heard of among free people. When such cases occur the parties against whom offenses are committed should complain to the officers of the bureau. If they do not do it, the colored preachers, and any persons who desire order and purity to prevail, ought to bring such cases to the notice of the officers.

VIII. By the blessing of God a great deal may be done to establish justice, to enlighten and raise the people, and to secure the welfare of all classes in this State, if all will cooperate in the work. The freed people ought themselves to aid the officers in every way. It is their duty to do so. They owe it to the government, that has freed them and called this whole organization into existence for their benefit and protection, to do all in their power for its success. Let them be

industrious and frugal. Slavery has not taught them economy, but, on the contrary, has tended to make them extravagant and thoughtless. Having had no interest in the success of labor, the preservation of property, or even the care of their own persons, they have contracted habits in many cases which, if not corrected, will degrade and ruin them. The dress, habits, language, and thoughts of slavery must be thrown off. That which was forced upon them in slavery does not become them now. Let them act their part well, work for their living, and avoid all wrong courses, and all will be well.

The Bureau in Louisiana

House Ex. Doc. no. 70, 39 Cong., 1 Sess., pp. 394, 395, 402. Report of Gen. J. S. Fullerton who succeeded Chaplain T. W. Conway as assistant commissioner in Louisiana. [December 2, 1865]

ON the part of some agents there has been a want of tact, conciliation, and sound judgment. Their prejudices so blinded them that they could not properly approach the people with whom they had to deal, and it appears as though they went to the south to foster disunion, rather than to cure and heal. In many cases they have produced inveterate enmity between the whites and the blacks, instead of bringing about the good understanding and respect that their mutual interests require.

They would listen to the story or complaint of the black man alone, refusing to hear his white neighbor on the same subject, or if they did listen, with the determination not to believe. . .

I thought it to be of the utmost importance that the freedmen should work during the coming year, not only for their own benefit, but for the good of the planters and the country at large. It is also necessary that they should do so in order to give the denial to the prophecy of those friends of slavery who continually insist that the negro will not work if free. . . Many of the freedmen having been thus plainly informed of what is expected of them, soon showed a disposition to work under contracts for the next year, and the planters, acting under the belief that the evil complained of would, in a great measure,

no longer exist, at once commenced to engage their services. The scarcity of labor and the large profits that can be made on the crops of Louisiana have caused a great demand for labor in that State. All of the able-bodied freedmen, if they will consent to work can obtain employment at good wages, and there will still be room for many more laborers. Many planters called on me during the last week of my stay in the State to obtain information as to how and where they could obtain hands, and offered for them good inducements. Some went to Texas and some to Mississippi [for hands].

In my administration of freedmen's affairs in Louisiana I acted upon the broad democratic idea that there should be the same code of laws for all; that every exceptional law or regulation for the black man is but a recognition of the spirit of slavery. The steps that I took were necessary to annihilate the distinction of that caste which sprung from slavery. Laws of the State made to govern the white man, while the freedman was in a state of slavery, surely could not be too hard upon him when freed and admitted to the benefits and penalties of the same. But there were men who had such a tender regard for the freedmen, that while they were willing that they should accept the benefits of State laws, cried down as an outrage any attempt to render him liable to the penalties of the same. Thus when I attempted to show officially that the freedmen could be arrested as vagrants, or apprenticed, in accordance with the laws that were equally binding upon all free persons, these men were ready to express great indignation at the wickedness and enormity of such proceedings. The idea was constantly held out to the freedmen that they were a privileged people, to be pampered and petted by the government, and the effect was most pernicious. It not only gave them expectations that could not be realized, but prevented them from securing civil rights that the laws of the State conferred upon them. It also appeared to me that there was not a sufficient effort made in this State to harmonize capital and labor. The acts of a few local agents of the bureau were such as to destroy the confidence that should exist between

these planters who were endeavoring to give free labor an impartial trial, and the freedmen who worked in their fields. These acts were done through a mistaken notion of kindness to the blacks. . .

There is not . . an able-bodied man who cannot get employment and good wages. The planters of the State are very desirous of restoring their fortunes by cultivating the fields. Large profits can be made on the staple crops, and for this reason they can give good wages. The freedmen generally know this fact, and will not, therefore, work for a pittance. More than a majority of them obtained employment last year when but a small portion of the fields were cultivated, and we have but to consider the fact that the most of the planters now desire to raise sugar and cotton to form a judgment of the demand for labor for the coming year. Before the war four hundred thousand hogsheads of sugar and an equal number of barrels of molasses were made in Louisiana. . .

There is a growing disposition on the part of the planters to act justly and fairly toward the freedmen, and to secure to them the exercise of their legal rights. . . They are also showing a disposition to accord the freedmen those opportunities of educating their children which they have not heretofore possessed, for it is becoming evident to them that free labor flourishes best in those places where schools abound. The enmity against the black race in the south comes principally from the poor whites. For those of them who do work fear the competition of black labor, and nearly all of them, having before them the fear of "negro equality," do what they can to oppose their freedom, and the working of the free labor system. But the war has not left enough of this class in Louisiana to exert any considerable influence.

It is not true that there are great numbers of freedmen being murdered by the whites in Louisiana. During the month that I remained in the State but one case of this kind was presented to the bureau. . . This was the case of a freedman who had been shot and wounded by a white man, and the offender when arrested claimed that the freedman had first fired at him.

That there are many cases of outrage that are never heard of is most true, but from all that I have learned, I do not believe that society in this respect is more demoralized at present in Louisiana than in some States further north. . . By telling only the bad acts that have been committed, and giving these as an index of society, any large community could be pictured as barbarous.

Report of General Grant

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 117. General Grant's letter to President Johnson, after a trip through the South. [December 18, 1865]

I DID not give the operations of the Freedmen's Bureau that attention I would have done if more time had been at my disposal. Conversations on the subject, however, with officers connected with the bureau lead me to think that in some of the States its affairs have not been conducted with good judgment or economy, and that the belief, widely spread among the freedmen of the Southern States, that the lands of their former owners will, at least in part, be divided among them, has come from the agents of this bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year. In some form the Freedmen's Bureau is an absolute necessity until civil law is established and enforced, securing to the freedmen their rights and full protection. At present, however, it is independent of the military establishment of the country, and seems to be operated by the different agents of the bureau according to their individual notions. Everywhere General Howard, the able head of the bureau, made friends by the just and fair instructions and advice he gave; but the complaint in South Carolina was, that when he left things went on as before. Many, perhaps a majority, of the agents of the Freedmen's Bureau advise the freedmen that by their own industry they must expect to live. To this end they endeavor to secure employment for them, and to see that both contracting parties comply with their engagements. In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that a freedman

has the right to live without care or provision for the future. The effect of the belief in division of lands is idleness and accumulation in camps, towns, and cities. In such cases I think it will be found that vice and disease will tend to the extermination, or great reduction of the colored race. It cannot be expected that the opinions held by men at the South for years can be changed in a day; and therefore the freedmen require for a few years not only laws to protect them, but the fostering care of those who will give them good counsel, and in whom they can rely.

The Freedmen's Bureau, being separated from the military establishment of the country, requires all the expense of a separate organization. One does not necessarily know what the other is doing, or what orders they are acting under. It seems to me this could be corrected by regarding every officer on duty with troops in the Southern States as agents of the Freedmen's Bureau, and then have all orders from the head of the bureau sent through department commanders. This would create a responsibility that would secure uniformity of action throughout all the South; would insure the orders and instructions from the head of the bureau being carried out; and would relieve from duty and pay a large number of employes of the Government.

Jealousy of the Army

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess., p. 87. Report of Gen. Davis Tillson, assistant commissioner for Georgia, to Gen. O. O. Howard, commissioner. [December 29, 1865]

I HAVE read General Grant's recent report very carefully, and particularly that portion of it referring to the bureau; I also notice in the papers an article stating that your orders and all military matters are under the control of the department commanders, and that assistant commissioners are required to keep department commanders informed of all they are doing, and obtain their approval to the instructions and orders issued by them. I take it for granted that this is to some degree a mistake; it is not only proper, but necessary, that the assistant commissioners should keep the department commanders informed of all they are or intend doing, that they furnish them with copies of all their orders, circulars, etc., and that they abstain from any interference whatever with military matters, which are of course solely under the control of the department commander; but if assistant commissioners must secure the approval by the department commander of all their instructions or orders, then you lose all the advantage which you have gained by selecting officers who have some fitness for the duties to which they are assigned, and leave assistant commissioners simply the power to record the will of the department commander, who may or may not be competent to deal with the intricate and delicate questions the bureau is expected to solve. You deprive officers of the bureau of all real authority, and with it the little respect heretofore shown their orders, and make it possible for the people to evade the requirements of the bureau by skillfully flattering military commanders, a majority of whom, experience justifies me in saying, regard the bureau and the negro with indifference and contempt. They may know how to make war, but they may not know how to make peace, and may have none of that good temper and delicate tact and skill required in dealing with the people in their present condition so as to produce the results desired by the government.

If General Grant's suggestion is to be adopted, and all officers on duty in the south are to be indiscriminately regarded as officers of the bureau, then, as the past has shown, very many of them will be found simply able to play the part of the "bull in the china shop," and will be found utterly wanting in that proper knowledge and thoughtful discretion which is quite as necessary as the disposition to obey orders.

The Fate of the "Old Time Southerner"

House Ex. Doc. no. 70, 39 Cong., 1 Sess., pp. 322. From a letter of Gen. Davis Tillson, assistant commissioner for Georgia, to Gen. O. O. Howard. [January 23, 1866]

THE fact is becoming more and more evident that hereafter labor and not cotton is to be king. . . If the government will only continue to stand by the freed people in their *just rights simply*, then, by the operations of laws infinitely more potential and certain in their execution than those of Congress, the negro is to be master of the situation, and those who in times past practiced cruelty upon him, or who now hate, despise, and defame him, are to be a financially ruined people. To-day the men who have been cruel to their slaves cannot hire freed people to work for them at *any price*. Fortunes in the future are for those only whom the freed people can trust and for whom they will work — not for the proud and haughty owner of land merely. Land, good land, will be plenty, a drug in the market; labor will be the difficult thing to obtain, and the friends of the freed people, especially the northern man, can alone command it. *Entre nous*, I think I see the end, and I predict that Providence is not done dealing with this people. I believe their hate, cruelty, and malice are yet to bear more and very bitter fruit, and that by natural and irresistible laws the old-time southerner is to become entirely harmless in his impotent rage, or extinct.

Dislike of the Bureau in Kentucky

House Ex. Doc. no. 70, 39 Cong., 1 Sess., pp. 230, 238. The Bureau was intensely disliked in Kentucky where slavery was not abolished until December, 1865, by the Thirteenth Amendment. The following report is from Gen. Clinton B. Fisk, assistant commissioner for Kentucky. [January 6, 1866]

THERE are some of the *meanest unsubjugated* and *unreconstructed rascally rebellious revolutionists* in Kentucky that curse the soil of the country. They claim now that although the amendment to the Constitution forever abolishing and prohibiting slavery has been ratified, and proclamation thereof duly made, yet Congress must legislate to carry the amendment into effect, and therefore slavery is not dead in Kentucky. Others cling to the old barbarism with tenacity, claiming that the government must pay Kentucky for her emancipated slaves. There are a few public journals in the State which afford great comfort to the malcontents, but the majority of the people of Kentucky hail the dawn of universal liberty, and welcome the

agency of the bureau in adjusting the new relations arising from the *total abolition of slavery*. . .

I have been denounced in the Kentucky legislature as a liar and slanderer. A committee has been appointed to investigate the matter. . . I have good reason for believing that the committee will simply make a report that General Fisk is a great liar, and should be removed from office, etc. It is well to remember that a more select number of vindictive, proslavery, rebellious legislators cannot be found than a majority of the Kentucky legislature. The President of the United States was denounced in the senate as a worse traitor than Jefferson Davis, and that, too, before the bureau tempest had reached them. The entire opposition is political, a warfare waged against *loyalty, freedom*, and *justice*.

Bureau Courts in Georgia

Senate Ex. Doc. no. 2, 39 Cong., 2 Sess., p. 64[illegible] Report of Gen. Davis Tillson. [November 1, 1866]

ON assuming command of the department, Major General Steadman found the bureau courts acting in a manner so illegal and oppressive, and creating so much well-founded opposition to the government, that he was constrained to abolish them and require all cases to be adjudicated before provost courts or military commissions. After the appointment of civil agents of the bureau, the department commander ordered that all cases involving the rights of the freedmen should go before them, except cases exceeding their jurisdiction, which should be tried before a military commission. This system was found to produce most satisfactory results. . .

Much of the harmony and co-operation which have since happily existed between the civil authorities and the officers and agents of the bureau, is attributable to the wise and conciliatory action of the convention [1865], and to the influence of the members upon their return to their homes. Through the Hon. H. V. Johnson, president of the convention, I requested the members upon their return home to advise with the leading planters and more intelligent freedmen of their

several counties, select responsible gentlemen in whom both had confidence, and forward their names to this office for appointment as civil agents of the bureau. Two hundred and forty-four agents have been thus appointed, and in a large majority of cases they have proved competent and faithful to the trust reposed in them, in not a few instances gaining a temporary unpopularity by their fearlessness in announcing and defending the rights of the freedmen. A few were found unfit for the position, and were promptly removed. Being citizens of the State, they did not encounter the prejudice felt against officers of the army, or agents from the north, and were thereby enabled more readily to secure justice to the freedmen, and to build up and foster a healthy public opinion. The few army officers who could be obtained for the duty were assigned to the more important places in the State, and instructed to place themselves in communication and co-operation with the civil agents in the counties near them.

Failure of the Colonization Plan

House Report no. 121, 41 Cong., 2 Sess., p. 486. Report of John T. Sprague, assistant commissioner for Florida. In each Southern state several negro colonies were formed but all of them failed. [1866]

THE colonization of freed people by themselves, in large numbers, so far as the experiment has been tried in Florida, has proved a failure. General Ely's colony, the only one of any magnitude brought to the State within the year, through want of discipline and general mismanagement, barely held together for the period of three months. No effort was spared by the bureau to give the scheme a thorough trial. Soon after the colony arrived at New Smyrna, the point of its destination, rations were furnished, and a competent bureau officer placed in charge. Already the predatory disposition of the men had filled the surrounding country with alarm; no cattle or hogs were secure for miles around; and the colony seemed in a fair way for a speedy relapse into a state of barbarism. So long as the government would supply rations there was little or no disposition to work; and it was only after the utter impracticability of the scheme became manifest that the colony was permitted to dissipate itself through the adjacent country, the able men and women for the most part obtaining good contracts for plantation labor in the counties of Marion, Sumpter and Orange. Many of the old, infirm and children were left on the original site of the colony. These continued a charge upon the bureau until a recent date.

3. CONFISCATION: "FORTY ACRES AND A MULE"

Sherman's Confiscations

War Department Archives. Special Field Order no. 15, Mil. Div. of the Mississippi. Savannah, Georgia, January 16, 1865. This order is an illustration of the general notion of the army that the races should be separated. [1865]

I. The islands from Charleston, south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering the St. John's river, Florida, are reserved and set apart for the settlement of the negroes\now made free by the acts of war and the proclamation of the President of the United States.

II. At Beaufort, Hilton Head, Savannah, Fernandina, St. Augustine, and Jacksonville, the blacks may remain in their chosen or accustomed vocations, but on the islands, and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers, detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress. By the laws of war and orders of the President of the United States the negro is free, and must be dealt with as such. He cannot be subjected to conscription or forced military service, save by the written orders of the highest military authority of the department, under such regulations as the President or Congress may prescribe. Domestic servants, blacksmiths, carpenters, and other mechanics, will be free to select their own work and residence, but the young and able-bodied negroes must be encouraged to enlist as soldiers in the service of the United States, to contribute their share towards maintaining their own freedom, and securing their rights as citizens of the United States. . .

III. Whenever three respectable negroes, heads of families, shall desire to settle on lands, and shall have selected for that purpose an island or a locality clearly defined, within the

limits above designated, the inspector of settlements and plantations will himself, or by such subordinate officer as he may appoint, give them a license to settle such island or district, and afford them such assistance as he can to enable them to establish a peaceable agricultural settlement. The three parties named will subdivide the land, under the supervision of the inspector, among themselves and such others as may choose to settle near them, so that each family shall have a plot of not more than forty (40) acres of tillable ground, and when it borders on some water channel, with not more than 800 feet water front, in the possession of which land the military authorities will afford them protection until such time as they can protect themselves, or until Congress shall regulate their title. The quartermaster may, on the requisition of the inspector of settlements and plantations, place at the disposal of the inspector one or more of the captured steamers, to ply between the settlements and one or more of the commercial points heretofore named in orders, to afford the settlers the opportunity to supply their necessary wants, and to sell the products of their land and labor.

IV. Whenever a negro has enlisted in the military service of the United States he may locate his family in any one of the settlements at pleasure, and acquire a homestead and all other rights and privileges of a settler, as though present in person. In like manner negroes may settle their families and engage on board the gunboats, or in fishing, or in the navigation of the inland waters, without losing any claim to land or other advantage derived from this system. But no one, unless an actual settler as above defined, or unless absent on government service, will be entitled to claim any right to land or property in any settlement by virtue of these orders.

V. In order to carry out this system of settlement, a general officer will be detailed as inspector of settlements and plantations, whose duty it shall be to visit the settlements, to regulate their police and general management, and who will furnish personally to each head of a family, subject to the approval of the President of the United States, a possessory

title in writing, giving as near as possible the description of boundaries, and who shall adjust all claims or conflicts that may arise under the same, subject to the like approval, treating such titles altogether as possessory. The same general officer will also be charged with the enlistment and organization of the negro recruits, and protecting their interests while absent from their settlements, and will be governed by the rules and regulations prescribed by the War Department for such purposes.

VI. Brigadier General R. Saxton is hereby appointed inspector of settlements and plantations, and will at once enter on the performance of his duties. No change is intended or desired in the settlement now on Beaufort island, nor will any rights to property heretofore acquired be affected thereby.

The Policy of the Bureau in regard to Confiscation

War Department Archives. Circular no. 13. Freedmen's Bureau. These and other similar instructions limited the application of the President's Amnesty Proclamation of May 29, 1865. [July 28, 1865]

1st. All confiscated and abandoned lands, and other confiscated and abandoned lands that now are, or that may hereafter come, under the control of the Bureau of Refugees, Freedmen and Abandoned Lands, by virtue of said acts, and sections of acts, and orders of the President, are, and shall be, set apart for the use of loyal refugees and freedmen, and so much as may be necessary assigned to them, as provided in section 4 of the act establishing the bureau. . .

2nd. All land or other property within the several insurrectionary States . . to which the United States have, or shall have acquired title by confiscation, or sale, or otherwise, during the late rebellion, and all abandoned lands, or other abandoned property in these States, become so by the construction of section 3, act approved July 2nd, 1864, viz: "Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged either in arms or otherwise in aiding or encouraging the rebellion," and which remains unsold or otherwise disposed of,

are, and shall be, considered as under the control of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the purposes hereinbefore set forth, and for the time authorized by the act establishing the bureau, and no part or parcel of said confiscated or abandoned property shall be surrendered or restored to the former owners thereof, or other claimants thereto, except such surrender or restoration be authorized by said Commissioner. . .

5th. Assistant commissioners will, as rapidly as possible, cause accurate descriptions of all confiscated and abandoned lands, and other confiscated and abandoned property that are now, or that may hereafter come, under their control, to be made, and, besides keeping a record of such themselves, will forward monthly to the Commissioner of the bureau copies of such descriptions in the manner prescribed by circular . . from this bureau. They will . . select and set apart such confiscated and abandoned lands and property as may be deemed necessary for the immediate use of refugees and freedmen, the specific division of which into lots, and the rental or sale thereof, according to the law establishing the bureau, will be completed as soon as practicable and reported to the Commissioner. In the selection and setting apart of such lands and property, care will be used to take that about which there is the least doubt as to the proper custody and control of this bureau.

6th. The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property, which by law has been set apart for refugees and freedmen, or in use for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary States, formerly held as slaves, who are, or shall become free.

Freedmen Expect Lands

House Ex. Doc. no. 70, 39 Cong., 1 Sess. Extracts from reports of assistant commissioners in Virginia and Georgia.
[September 19, 1865]

REPORTS having been received at these headquarters [Vir-

ginia] that the freedmen in some parts of the State refuse to enter into just and reasonable contracts for labor, on account of the belief that the United States government will distribute lands among them, superintendents and agents of this bureau will take the earliest opportunity to explain to the freedmen that no lands will be given them by the government; that the government has but a very small quantity of land in the State — only enough to provide homes for a few families, and that this can only be secured by purchase or lease. . .

Unfortunately, there is a widespread belief among the freed people of this State [Georgia] that at Christmas there is to be a distribution of property among them, and under this impression they are refusing to make contracts for the coming year. All officers and agents of this bureau are directed, and other officers of the army throughout the State are earnestly requested, to exert themselves to convince the freed people that they are utterly mistaken, and that no such distribution will take place at Christmas, or at any other time, and to induce them to enter into contracts now, that they may not, at the end of the year, be in a condition to entail severe suffering on themselves, their families, and upon the community.

Confiscations in South Carolina

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess., p. 140. Report of Gen. Rufus Saxton, assistant commissioner for South Carolina.
[December 6, 1865]

THE impression is universal among the freedmen that they are to have the abandoned and confiscated lands, in homesteads of forty acres, in January next. It is understood that previous to the termination of the late war the negroes heard from those in rebellion that it was the purpose of our government to divide up the southern plantations among them. . . Our own acts of Congress, and particularly the act creating this bureau, which was extensively circulated among them, still further strengthened them in the belief that they were to possess homesteads, and has caused a great unwillingness upon the part of the freedmen to make any contracts whatever. . .

All the officers and agents of this bureau have been instructed to do everything in their power to correct these impressions among the freedmen, and to urge them in every possible way to make contracts with their former owners; but so deep-seated a conviction has been found difficult to eradicate. . .

The question of next importance has been the status of the sea islands. By General Sherman's order . . some forty thousand destitute freedmen, who followed in the wake of and came in with his army, were promised homes on the sea islands, and urged by myself and others to emigrate there and select them. Public meetings were called, and every exertion used by those whose duty it was to carry out the order to encourage emigration to the sea islands. The greatest success attended our efforts. . . Thousands of acres were cleared up and planted, and provisions enough were raised to provide for those who were located in season to plant, besides large quantities of sea island cotton. . .

On some of the islands the freedmen have established civil government, with constitutions and laws for the regulation of their internal affairs, with all the different departments for schools, churches, building roads, and other improvements. . . The former owners have recently been using every exertion to have these lands restored to their possession, and to secure this end promised to make such arrangements with the freedmen as to absorb their labor, and give them homes and employment on their estates. The officer detailed by yourself to restore these lands has been unable thus far to make any arrangement, nor do I believe it will be possible for him to make any satisfactory arrangement. The freedmen have their hearts set upon the possession of these islands, and nothing but that or its equivalent will satisfy them. They refuse to contract, and express a determination to leave the islands rather than do so. The efforts made by the former owners to obtain the possession of the lands have caused a great excitement among the settlers. Inasmuch as the faith of the government has been pledged to these freedmen to maintain them in the possession of their homes, and as to break its promise in the

hour of its triumph is not becoming a just government . . I would respectfully suggest that a practical solution of the whole question of lands . . may be had by the appropriation of money by Congress to purchase the whole tract set apart by this order [of Sherman]. . .

The abandoned house of Mr. Memminger, formerly the secretary of the treasury for the so-called confederate government, was recently set apart as an asylum for the destitute colored orphans in the department.

Some Results of Sherman's Order

Sidney Andrews, *The South Since the War*, pp. 97, 209, 212. Andrews was traveling correspondent for the Boston *Advertiser*, and the Chicago *Tribune*. [October 21, 1865]

THERE is among the plantation negroes a widely spread idea that land is to be given them by the Government, and this idea is at the bottom of much idleness and discontent. At Orangeburg and at Columbia, country negroes with whom I have conversed asked me, "When is de land goin' fur to be dewided?" Some of them believe that the land which they are going to have is on the coast; others believe that the plantations on which they have lived are to be divided among themselves. One of the [Constitutional] Convention delegates told me that an old negro man, who declined going away with some of the hands bound for Charleston, gave, as his reason for remaining, that "De home-house might come to me, ye see, sah, in de dewision." There is also a widely spread idea that the whites are to be driven out of the lower section of the State, and that the negroes are there to live by themselves. That so absurd ideas as these could exist I would not believe till I found them myself. This latter notion I even found in Charleston among negroes who had just come in from the back country. Other absurd notions well known to prevail are, that freedom can only be found "down-country," i. e. in the neighborhood of Charleston; that it is inseparable from the presence of the army, etc. . .

That the original intention of the government in setting apart the Sea Islands was to either give or sell them to the

freedmen I sincerely believe. That the negroes were allowed to receive the impression that this was the purpose of the Government is beyond all question. That General Saxton colonized them in vast numbers on those islands, with this understanding on his part and theirs, is matter of record. If the faith of the nation was ever impliedly pledged to anything, it was to the assurance that the colored people should have a home there — as witness the famous order of General Sherman, approved by the Secretary of War, and practically indorsed for nearly nine months by all branches of the government. . .

Three days ago [October 18, 1865] General Howard went down to Edisto Island in company with a representative of the old owners thereof. They were met at church by over two thousand freedmen, and a long and painfully interesting meeting was held. To say that the negroes were overwhelmed with sorrow and dissatisfaction is to state a fact in sober phrase. General Howard explained to them in careful and sympathetic words what he believed to be the wishes of the President, and asked them to appoint a committee to consider the terms proposed by the planters. This they did; and while the committee were in consultation, the assembly sang several of the most touching and mournful of the negro songs, and were addressed in broken and tearful words by some of their own preachers. The scarcely concealed spirit of all was that the Government had deceived them, and it required the most earnest efforts of General Howard and his associates to keep this spirit from finding stormy outbreak. The result of the conference between representative Whaley and the Freedmen's committee does not promise a speedy reconciliation of the negroes to their removal from the lands. They say that they will not, under any circumstances, work with overseers. . . Some few of them seemed willing to work for fair wages, but the great body were anxious to rent or buy the lands, to which the planters will not consent. . .

The planters believe that they ought to have their old estates,

and they also believe that the President means that they shall have them; and hence the "fair terms" which they propose are such as will neither satisfy the freedmen nor the friends of the freedmen. The negroes, on the other hand, almost universally believe that the islands have been given to them, and they are not likely to readily relinquish that belief. . . An attempt to force them from the islands at present, or to compel them to the acceptance of the terms proposed by the planters, will overthrow their faith in the Government, and there will be — bloodshed.

Land Certificates in Florida

John Wallace, *Carpet Bag Rule in Florida*, 1885, p. 39. [1865-1867]

DURING the years of 1865-67 there was much speculation among the freedmen as to what the government intended to do for them in regard to farms. . . One Stonelake, United States Land Register at Tallahassee, appointed soon after the surrender, . . taking advantage of the ignorance of the freedmen, issued to them thousands of land certificates purporting to convey thousands of acres of land. For each certificate the freedman was required to pay not less than five dollars, and as much more as Stonelake could extort from the more ignorant. He induced the most influential to make the first purchases, and, it was generally believed, gave them a portion of his fees to secure purchasers. The former masters warned our people against this fraud, but as Stonelake was one of the representatives of the paternal government, he was supposed by the freedmen to be incapable of fraud or deception. Many of them were led to believe that these lands consisted of their former masters' plantations, and that the certificates alone would oust the latter from possession. After showing the certificates around among his neighbors and exulting over the purchase of a plantation, he would eventually show it to his former master, who would explain the fraud, when he would rush back to Stonelake for his money, who would invent some new deception to quiet him, and explain that upon further examination of his books he found the lands were located further south. These explanations did not fully satisfy the freedmen, and

they called a meeting and appointed several of their number to go down south and spy out the Promised Land. This committee expended the money raised by their confiding friends, and after an absence of several weeks in a pretended survey, reported that they saw some good lands . . and advised the freedmen to occupy them, but as they were unable to locate the Promised Land, their advice was not followed, and the victims were left to vent their curses upon the swindler Stonelake.

Painted Pegs from Washington

Ku Klux Report, Alabama Testimony, p. 319. Statement of John G. Pierce. For years the negroes were swindled by sharpers who traded upon their belief in the future divisions of lands. [1865-1870]

I CAN tell you from what I know and have seen myself, and also from what negroes have told me, that they have been promised lands and mules — forty acres of land and a mule — on divers occasions. Many an old negro has come to me and asked me about that thing. I can illustrate it by one little thing that I saw on a visit once to Gainesville, Sumter County. At a barbecue there I saw a man who was making a speech to the negroes, telling them what good he had done for them; that he had been to Washington City and had procured from one of the Departments here certain pegs. I saw the pegs. He had about two dozen on his arm; they were painted red and blue. He said that those pegs he had obtained from here at a great expense to himself; that they had been made by the Government for the purpose of staking out the negroes' forty acres. He told the negroes that all he wanted was to have the expenses paid to him, which was about a dollar a peg. He told them that they could stick one peg down at a corner, then walk so far one way and stick another down, then walk so far another way and stick another down, till they had got the four pegs down; and that, when the four pegs were down, the negroes' forty acres would be included in that area; and all he had to say to them was, that they could stick those pegs anywhere they pleased — on anybody's land they wanted to, but not to interfere with each other; and he would advise them, in selecting

the forty acres, to take half woodland and half clear; that nobody would dare to interfere with those pegs.

Sales of Striped Pegs

T. H. Ball, *Clarke County (Alabama)*, p. 627. Such frauds were perpetrated as late as 1900. [1873]

In 1873 . . there passed through the county a *white* man, supposed to be from the North, with a large bundle of little colored stakes, who called upon the freed-men and told them that the President had authorized him to distribute among them those stakes in order that they might become owners of land, and that wherever they stuck one of those stakes the land should be theirs, no matter who had owned or claimed it. They could make their own selections for their farms. The price of a stake was three dollars, but when the freed-men could not raise that amount the stake-man would sell even for one dollar. And many of the credulous and trusting colored people . . bought these little stakes, stuck them on the lands of their white neighbors, and some began to work their newly acquired plantations, with what results need not be told.

4. ESTIMATES AND OPINIONS OF THE BUREAU'S WORK

Carl Schurz Defends the Bureau

Senate Ex. Doc. no. 2, 39 Cong., 1 Sess., p. 40. From Schurz's report to the President. [1865]

That abuses were connected with the management of freedmen's affairs; that some of the officers of the bureau were men of more enthusiasm than discretion, and in many cases went beyond their authority; all this is certainly true. But while the southern people are always ready to expatiate upon the shortcomings of the Freedmen's Bureau, they are not so ready to recognize the services it has rendered. I feel warranted in saying that not one-half of the labor that has been done in the south this year, or will be done there next year, would have been or would be done but for the exertions of the Freedmen's Bureau. The confusion and disorder of the transition period would have been infinitely greater had not an agency interfered which possessed the confidence of the emancipated slaves; which could disabuse them of any extravagant notions and expectations and be trusted; which could administer to them good advice and be voluntarily obeyed. No other agency, except one placed there by the national government, could have wielded that moral power whose interposition was so necessary to prevent the southern society from falling at once into the chaos of a general collision between its different elements. That the success achieved by the Freedmen's Bureau is as yet very incomplete cannot be disputed. A more perfect organization and a more carefully selected personnel may be desirable; but it is doubtful whether a more suitable machinery can be devised to secure to free labor in the South that protection against disturbing influences which the nature of the situation still imperatively demands.

Dissatisfaction about Wage Regulation

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess., p. 98. Augusta, Georgia, correspondence in the *National Intelligencer*. [January, 1866]

Some dissatisfaction in the article of wages exists with a late

circular issued, just prior to Christmas, from the headquarters of the Freedmen's Bureau in this State. This circular, while not expressly commanding any schedule of wages, suggests a tariff in such matters as, to the minds of the freed people, will doubtless be taken as equivalent to an order to that effect. These suggestions mention from $180 to $156 per annum for males, and from $96 to $120 for females . . food and lodging, in all cases, super-added. Now, it is claimed that these rates are fully one hundred per cent. too great.

The Necessity for the Bureau

Report of the Joint Committee on Reconstruction, part iv, p. 82. Statement of Chaplain T. W. Conway. Conway had had trouble while in charge of the Bureau in Louisiana and had been removed. He made speeches over the North on conditions in the South. [1866]

I should expect in Louisiana, as in the whole southern country, that the withdrawal of the Freedmen's Bureau would be followed by a condition of anarchy and bloodshed. . . I am pained at the conviction that I have in my own mind that if the Freedmen's Bureau is withdrawn the result will be fearful in the extreme. What it has already done and is now doing in shielding these people, only incites the bitterness of their foes. They will be murdered by wholesale, and they in their turn will defend themselves. It will not be persecution merely; it will be slaughter; and I doubt whether the world has ever known the like. These southern rebels, when the power is once in their hands, will stop at nothing short of extermination. Governor Wells himself told me that he expected in ten years to see the whole colored race exterminated, and that conviction is shared very largely among the white people of the south. It has been threatened by leading men there that they would exterminate the freedmen. . . In reply I said that they could not drive the freedmen out of the nation, because, in the first place, they would not go; and for another reason, that they had no authority to drive them out; and for a third reason, that they were wanted in the south as laborers. To that they replied, that, if necessary, they would get their laborers from Europe; that white laborers would be more agreeable to them;

that the negro must be gotten rid of in some way. . . I have heard it so many times, and from so many different quarters, that I believe it is a fixed determination, and that they are looking anxiously to the extermination of the whole negro race from the country. There is an agent here now, with letters from the governor of Louisiana to parties in New York, with a view of entering at once upon negotiations to secure laborers from various parts of Europe. There are other parties endeavoring to get coolies into the south, and in various places there are immense efforts to obtain white labor to supplant that of the negro. It is a part of the immense and desperate programme which they have adopted and expect to carry out within the next ten years. . . I said the negro race would be exterminated unless protected by the strong arm of the government. . . The wicked work has already commenced, and it could be shown that the policy pursued by the government is construed by the rebels as not being opposed to it.

The Bureau and the Negro Troops

Report of Joint Committee on Reconstruction, part iii, p. 134. Statement of William L. Sharkey, provisional governor of Mississippi. [1866]

There is no disguising the fact that the Freedmen's Bureau and the colored troops there have done more mischief than anything else. General Howard is a very clever gentleman; but there are men in charge of the Freedmen's Bureau in Mississippi who are disposed to speculate on white and black; they encourage the black and discourage the white man. And wherever there is a negro garrison the free negroes congregate around it, and, as a matter of course, crimes and depredations are committed. I verily believe that if . . all the troops and the Freedmen's Bureau had been withdrawn, I could have had a perfect state of order throughout the State in two weeks. The great amount of complaints originate from the localities where the negro soldiers are. I do not say that the negroes do not make good soldiers, but they encourage the congregation of freedmen around them, and from the freedmen come crime and

depredations. As a general thing . . the freedmen have gone to work; some receiving a share of the crops, and some receiving their wages. They certainly have gone to work, as a general thing in the State; and the people are buoyant and hopeful. In some parts of the State freedmen are receiving exceedingly high wages. Mr. Alcorn, my colleague in the senate, authorizes me to state that in the river counties . . if labor could be had, a thousand freedmen could be employed at $25 a month.

A Northern Man's Opinion

Report of Joint Committee on Reconstruction, part iv, p. 148. Statement of Stephen Powers, correspondent of the Cincinnati *Commercial*. [1866]

IT was a necessity particularly in those months immediately following the close of the war, to secure the distribution of rations among both the refugees and freedmen, of which they stood in great need, and without which many thousands would have perished. Last fall, about the Christmas holidays, early this winter the bureau was particularly necessary, and did a great deal of good, and did admirable work in procuring situations for hundreds and thousands of negroes. . . The bureau may make itself useful this summer and next fall [1866] in securing a proper distribution of the crops. . . I think it would also be necessary to continue the bureau until the freedmen generally have entered into contracts for the year 1867. After that I think the necessity for the bureau will be removed. Indeed, I think the necessity for it has already passed away in the State of Tennessee, and in many portions of other States. . . In many cases it has fallen into the hands of incompetent and speculating officers who made it a by-word, and unnecessarily obnoxious to the people of the State where it was located. . . The bureau is particularly odious to the people of Texas. Things were in a chaotic state there generally, and the bureau as at first organized, and as continued for a great while, was rather loose in its organization, and rather irresponsible. And many things were done in Texas and Florida, also, which were unnecessarily odious to the people, and discriminating in favor

of the blacks. Such things were not generally in the shape of any serious oppressions; but they were simply petty disregards of that sentiment which the southern people entertain, and for which, I think, the officers with wisdom have shown a little more charity, and thus have added to their usefulness.

Views of John Minor Botts

Report of Joint Committee on Reconstruction, part ii, p. 139. Botts was a well known Virginia Unionist. As a rule the Unionists were hostile to the Bureau because it tended to unite the whites in one party, thus rendering political division unlikely and making the Unionist influence insignificant. [1866]

I THINK that one of the great difficulties in Virginia, in regard to the colored people, arises from the organization of the Freedmen's Bureau — not that the Freedmen's Bureau is not in itself proper, and perhaps in some localities an indispensable institution, but that it stands very greatly in need of reformation. . . I have heard of a great many difficulties and outrages which have proceeded . . from the ignorance and fanaticism of persons connected with the Freedmen's Bureau, who do not understand anything of the true relation of the original master to the slave, and who have, in many instances, held out promises and inducements which can never be realized to the negroes, which have made them entirely indifferent to work, and sometimes ill behaved. On the other hand, there are many persons connected with the Freedmen's Bureau who have conducted themselves with great propriety; and where that has been so there has been no trouble between the whites and blacks that I know of.

"Productive only of Mischief"

Report of Joint Committee on Reconstruction, part iv, p. 134. Statement of J. D. B. De Bow, editor of *De Bow's Review*, Director of the Census, 1860. [1866]

I THINK if the whole regulation of the negroes, or freedmen, were left to the people of the communities in which they live, it will be administered for the best interest of the negroes as well as of the white men. I think there is a kindly feeling on the part of the planters towards the freedmen. They are not

held at all responsible for anything that has happened. They are looked upon as the innocent cause. In talking with a number of planters, I remember some of them telling me they were succeeding very well with their freedmen, having got a preacher to preach to them and a teacher to teach them, believing it was for the interest of the planter to make the negro feel reconciled; for, to lose his services as a laborer for even a few months would be very disastrous. The sentiment prevailing is, that it is for the interest of the employer to teach the negro, to educate his children, to provide a preacher for him, and to attend to his physical wants. And I may say I have not seen an exception to that feeling in the south. Leave the people to themselves, and they will manage very well. The Freedmen's Bureau, or any agency to interfere between the freedman and his former master, is only productive of mischief. There are constant appeals from one to the other and continual annoyances. It has a tendency to create dissatisfaction and disaffection on the part of the laborer, and is in every respect in its result most unfavorable to the system of industry that is now being organized under the new order of things in the South. I do not think there is any difference of opinion upon this subject.

Criticism of the Bureau not Disloyalty

Report of Joint Committee on Reconstruction, part iii, p. 156. Statement of Gen. John Tarbell, U. S. A. [1866]

I THINK they have well grounded complaints against the Freedmen's Bureau; and I do not think their criticisms upon that bureau are in every instance dictated by motives of disloyalty. I do not mean to say what proportion of the officers of that bureau are incompetent or corrupt, but that there are many such I have no doubt. In such districts there has been a good deal of complaint, and to a casual observer their comments might be ascribed, perhaps, to motives of disloyalty; but a more careful attention to the subject satisfied me that their complaints were well grounded in a great many cases, for in districts where they had upright, intelligent, and impartial officers of the bureau, the people expressed entire satisfaction.

They stated to me that where they had such officers, and where they had soldiers who were under good discipline, they were entirely welcome, and indeed they were glad to have their presence — in some cases approving the action of the bureau officers in punishing white men for the ill treatment of colored people, saying that the officers were perfectly right. In other districts, I am satisfied that it often occurred that bureau officers, wanting in good sense, would show a decided partiality for the colored people, without regard to justice. I am satisfied, also, there were districts where the planters would insure the favor of the bureau officers to them by paying them money; and while they were glad to have their favor, still they would condemn such officers, and in such districts there was dissatisfaction.

The Bureau Demoralized Labor

Ku Klux Report, Alabama Testimony (1871), p. 1132. Testimony of Daniel Taylor, an Alabama planter. [1865-1868]

THE negroes that would go and settle down on plantations and work and stay there always had plenty to eat. The white men who employed them felt bound to keep them in plenty to eat and good clothes to wear when they would stay with them; but if a man was trying to make a negro work, and talked a little short to the negro, he would pick up and go somewhere else, very often when a man had made preparations to go on. . .

The negroes would quit and go off for this Bureau when they should have had a dependence in the country. They depended upon the Bureau for rations. . . The negroes cheated the farmers out of their labor. . . The negroes were to pay for their provisions out of their part of the crop and they did not go on making their crop, so that their part of the crop was not sufficient to pay the owner the amount that was due him for the land and stock and the advance.

Wade Hampton's Opinion of the Bureau

Letter to President Johnson. Original owned by Mr. T. C. Thompson, Chattanooga, Tennessee. Hampton was the largest slaveholder in the South in 1860. He was one of the first, in 1865, to declare in favor of a qualified suffrage for the negroes. [1866]

THE next step in the progress of reconstruction was quite as

unfortunate as that of garrisoning the South with negro troops. This was the establishment of that incubus, — that Hydra-headed monster, the Freedmen's Bureau. When the North had given freedom to four million stolen slaves, it was hoped that this generous offering which she had laid on the Altar of Liberty would have terminated forever that baleful agitation of the negro question, which has deluged the land with blood and has ruined the fairest portion of this continent. The South acquiesced in the decree — though she was so blind as not to see the justice of it — which by one despotic stroke of the pen stripped her of . . her property and she . . endeavored to adapt herself to the new relations between the two races, which this decree had brought about. . . Humanity and interest, which so seldom point in the same direction, in this case impelled the South to do all in its power to fit the negro for his new conditions. The strong but paternal hand which had controlled him through centuries of slavery, having been suddenly and rudely withdrawn, the only hope of rendering him either useful, industrious or harmless, was to elevate him in the scale of civilization, and to make him appreciate not only the blessings, but the duties of freedom. This was the prevalent . . sentiment of the South and that much more has not been done to carry this sentiment into effect is due solely to the pernicious and mischievous interference of that most vicious institution, the Freedmen's Bureau. The war which was so prolific of monstrosities, new theories of republican government, new versions of the Constitution, new and improved constructions of the Divine precepts of Holy Writ, gave birth to nothing which equals in deformity and depravity this "Monstrum horrendum informe ingens." The whole machinery of this bureau has been used by the basest men, for the purpose of swindling the negro, plundering the white man and defrauding the Government. *There may be* an honest man connected with the Bureau, but I fear that the commissioners sent by your Excellency to probe the rottenness of this cancer will find their search for such as fruitless as was that of the Cynic of old. . The report of these Commissioners furnishes ample justification for the ill-

will, the distrust, and the contempt with which the people of the South regard this baleful and pernicious institution.

Influence in Labor and Politics

Ku Klux Report, Alabama Testimony (1871), pp. 367, 371. Statement of A. D. Sayre, formerly a Whig. [1865-1870]

WHEN the agents first came there . . they established a Freedman's Bureau. They notified everybody that they must employ their freedmen, and that all their contracts must be submitted to the inspection of the Freedmen's Bureau; that no man would be allowed to employ freedmen unless their contracts were submitted to and approved by that Bureau. . . They listened to every sort of tale that any dissatisfied negro might choose to tell; they would send out and arrest white men, bring them in under guard, try them, and put them in jail. They got hold of plantations there, what they call refuges for freedmen. It was announced that if the freedmen got dissatisfied they could enter there, and be fed and clothed, and taken care of. In that way a large number of negroes were enticed away from plantations where they had been living, and they flocked to these places. Hundreds of them died from neglect. The impression was produced upon the negro that the white man who had been his master was his enemy, and that these men were his peculiar friends; that they had nothing to expect . . through their old masters. They then commenced the establishment of these Loyal Leagues, into which they got almost every negro in the country. They would send their agents . from plantation to plantation, until I expect there was hardly a negro in the whole country who did not belong to the League. In that way a want of confidence was produced between the negro and the white man, and a feeling of confidence between the negro and the agents of this Bureau. It has been a very troublesome thing to counteract that. . . They would tell all sorts of tales before elections; they would send regular orders to the League members on the plantations to go and vote. I have been told that order extended to negroes from fifteen years and upwards. Negroes themselves have told me

that they voted the republican ticket for the reason that they were informed by those men that, if they did not do it, they would be put back into slavery, and their wives made to work on the road. It had such an effect that a gentleman in Montgomery told me that some of his own former slaves came back to him after the election [1870] and said, "Well, massa, what house must I go into? I understand that the democrats have succeeded, and that we are slaves again." . .

[If the Bureau had not been established] as many of the whites would have acted with the Republican party as with the Democratic party. . . It had a tendency to drive them off [the whites] from the Republican party. . . The Freedmen's Bureau was supposed to be one of the means of that party for the purpose of creating distrust between the negroes and the white people.

The Bureau as a Political Machine

Ku Klux Report, Georgia Testimony, p. 272. Testimony of General Wright of Augusta, ex-Confederate. [1865-1870]

[THE negroes] were taken possession of by a class of men who went down there connected in some way with the Freedmen's Bureau; they swarmed all over the country. The white people were sore, intensely sore . . and they shrank back and had nothing to say to the negroes. That course of conduct on their part enabled these men to go on and obtain the confidence of the negroes; they made the negroes believe that unless they banded themselves together and stood up for their rights, the white people would put them back into slavery. . . These men came there and fastened themselves upon every community, and when the election for members of the legislature came on they were themselves elected. I can give you an instance right there, within a stone's throw of where I live, of a man by the name of Captain Richardson, who went down there in the Bureau. He lived in Augusta, and was elected a member of the legislature from the county of Hancock, way up in the interior of the State; he perhaps never was in that country in his life. There was a man by the name of J. Mason Rice, who

came out in the Bureau, and lived in Augusta; he was elected a representative of the county of Columbia. A man of the name of Sherman came down there, not in the Bureau, but as a developer. He bought a piece of land near Augusta, and worked it for a while, and then had to give it up. He ran for the place of senator in the district composed of Wilkes, Jackson, and Columbia. Wilkes is the county in which Toombs lives. This man ran for senator, and was elected there. There was Rice, elected as a member from Columbia County, and never was in it; Richardson was elected as a member from Hancock County, and he never was in that county; and Sherman was elected as senator from Wilkes, Lincoln, and Columbia Counties, and . . he has never been in either one of them. A man by the name of Claiborn, a Baltimore negro, came down to Augusta with the Bureau, and was elected a member of the legislature from Burke County. He served until a few months before the close of the legislature, when he was killed by a negro in the capital. . . Up to the latter part of 1868 the negroes believed that by voting they were going to get a division of the land and stock of the country. These carpet-baggers would go down there and actually sell stakes to them. That is almost too improbable for belief; but these rascals would go down there and sell painted stakes to these negroes, and tell them that all they had to do was to put down the stakes on their owner's farms, and forty acres of land would be theirs after election. You could see them all over the country. The negroes said they gave a dollar apiece for those stakes. They were very ignorant, or they would not have believed such things; but they did believe it.

Political Activities of Bureau Officials

House Report no. 121, 41 Cong., 2 Sess., pp. 47, 53. Extract from minority report, Howard investigation, 1870. [1865-1869]

IT was ascertained that the testimony offered would implicate others as high in position as General Howard himself, going to show that the Bureau had been made an active engine for the election of governors, legislators, members of Congress and

United States senators in the Southern States, the public money and property being freely used for these purposes. The majority of the committee would not allow any such field of investigation to be entered, and promptly refused to allow the witnesses ready to prove these facts to be subpoened or examined.

Sufficient evidence, however, did get in, to show that to such purposes the bureau was put. The general way in which the political operations were carried on was through the instrumentality of the officers and willing agents of the bureau, the freedmen's schools and teachers, the missionaries sent out by the American Missionary Society, and the Freedmen's Savings Bank. The funds of the bureau were used by each of these. . . Under the pretext of looking after the education and welfare of the freedmen, political organizations were effected, and the negroes instructed as to their political strength and power, by organizing them together in secret organizations. The poor freedman, deceived by pretended friendship . . fell into the purposes of these men, and submitted himself to the uses to which they put him. General Howard not only knew of this, but was the head of the movement. He proved this upon himself after the majority refused to hear further proof in support of the charges, by putting in as evidence the official report of Colonel John T. Sprague, assistant commissioner for Florida. This report was made to General Howard, and is dated October 1, 1867. Under the head of "politics and public meetings," he gives Howard an account of his political operations, and boasts having "registered 15,441 negro voters, against 11,151 registered whites," and states that he had "taken measures for their quiet instruction, through the medium of sub-assistants, in their rights and duties under the reconstruction acts." . .

The Freedmen's Bureau has been made a mighty engine of power, by which to control an entire section of the Union, and bring it under partisan subserviency. To accomplish this, the public treasury has been freely used in various ways. Emissaries have been dispatched to the South with the Bible in one

hand and the purse in the other, and who have been backed up and sustained by both the military and civil power of the government. . .

Under the pretense of giving him protection, the negro was plundered of his just dues; under the pretense of teaching him religion and morality he was taught a hatred of his best friends; under an avowed object of teaching him his political rights and duties, he was drilled into a voting machine, and made tributary to the aspirations of those who said they came to enlighten him; under the plea of shielding him from opposition, hard labor was wrung from him, and his little earnings, once obtained as deposits in freedmen's savings banks, were used for the profit of those who had the control of them.

This bureau had its ramifications everywhere. Its officers and agents were to be found in every State, county, and voting precinct of the South; no election could be held but that some of them were found on the spot, exercising political power over the new-made citizens, and the leading candidates for the principal offices were the self-nominated representatives of the Freedmen's Bureau.

A majority of the members of the legislatures of the so-called reconstructed States last year were either taken from this class, or the immediate dependents of it; the civil government, what there was of it, was in their hands. The bureau was the great absorbent of the only civil authority there.

The Workings of the Bureau

Ku Klux Report (1871), p. 441. Views of the minority of the Ku Klux Committee. [1865-1868]

EVEN while the Federal Government was administering their affairs through direct agencies from Washington, they were oppressed and plundered by the Freedmen's Bureau agencies, by the cotton thieves, and the military, to an extent only exceeded by the carpet-bag local governments which superseded them.

First, as to the Freedmen's Bureau and its operations. By this act, four millions of negroes became the pupils, wards, servitors, and pliant tools of a political and extremely partisan

agency, inimical and deadly hostile to the peace, order, and best interests of southern society. Under the workings of the Reconstruction and Freedmen's Bureau acts the foundations of social and political order were uprooted and overturned; the former master became the slave, and the former slave became the master, the elector, the law-maker, and the ostensible ruler. The agents of the Freedmen's Bureau were, as we have shown before, generally of a class of fanatics without character or responsibility, and were selected as fit instruments to execute the partisan and unconstitutional behests of a most unscrupulous head. Thus, the negroes were organized into secret political societies known as Loyal Leagues, in which organizations they were taught that their former owners were their worst enemies, and that to act with them, politically or religiously, would certainly result in their re-enslavement. A regulation of this Bureau required all agreements for service between whites and blacks to be signed and witnessed in the presence of, and left in the custody of the agent. It was a common practice, after a planter or farmer had contracted in the required form with the freedmen for the year, had his crops planted and in process of cultivation, that his negro laborers would suddenly *strike* for higher wages. Nothing but the intervention of the Bureau agent could induce them to return, and that *inducement* could only be effected by the planter or farmer paying to the agent from ten to twenty dollars per head. This sum was simply *a perquisite* of the agent, and when paid, the negro always returned to his labors, though not receiving a cent of additional compensation. It was frequently the case that the same planter or farmer would have to compensate the Bureau agent from *two to three times during one year, or lose his crops*. This system of ingenious blackmailing produced no little irritation, and frequently total bankruptcy of the planter. These Bureau agents had authority to order the arrest and imprisonment of any citizen on the single statement of any vicious negro; and if any resistance was made to the *mandates* of the Bureau agent, the post commandant, or military governor, was always ready to enforce it with a file of bayonets.

Many of the agents of the Bureau were preachers, and had been selected as being the most devout, zealous, and loyal of that religious sect known as the Northern Methodist Church.

The negroes were told in the Leagues that, although they had been married according to the plantation custom for forty or fifty years, as freedmen they must procure a license from the court and be remarried. This injunction was most scrupulously obeyed, and by this means the missionaries and preachers made large sums of money, which was thus frequently extorted from old, poor, and ignorant negroes, who had grandchildren and great-grandchildren.

Success of the Bureau

House Report no. 121, 41 Cong., 2 Sess., (1871), p. 20. Quotation from Sidney Andrews, a newspaper correspondent from New England. [1865-1869]

OF the thousand things that the bureau has done no balance sheet can ever be made. How it helped the ministers of the church, saved the blacks from robbery and persecution, enforced respect for the negro's rights, instructed all the people in the meaning of the law, threw itself against the strongholds of intemperance, settled neighborhood quarrels, brought about amicable relations between employer and employed, comforted the sorrowful, raised up the down-hearted, corrected bad habits among whites and blacks, restored order, sustained contracts for work, compelled attention to the statute books, collected claims, furthered local educational movements, gave sanctity to the marriage relation, dignified labor, strengthened men and women in good resolutions, rooted out old prejudices, ennobled the home, assisted the freedmen to become land-owners, brought offenders to justice, broke up bands of outlaws, overturned the class-rule of ignorance, led bitter hearts into brighter ways, shamed strong hearts into charity and forgiveness, promulgated the new doctrine of equal rights, destroyed the seeds of mistrust and antagonism, cheered the despondent, set idlers at work, aided in the reorganization of society, carried the light of the North into the dark places of the South, steadied the

negro in his struggle with novel ideas, inculcated kindly feeling, checked the passion of the whites and blacks, opened the blind eyes of judges and jurors, taught the gospel of forbearance, encouraged human sympathy, distributed the generous charities of the benevolent, upheld loyalty, assisted in creating a sentiment of nationality — how it did all this and a hundredfold more, who shall ever tell? What pen shall ever record? . .

Success! The world can point to nothing like it in all the history of emancipation. No thirteen millions of dollars were ever more wisely spent; yet, from the beginning this scheme has encountered the bitterest opposition and the most unrelenting hate. Scoffed at like a thing of shame, often struck and sorely wounded, sometimes in the house of its friends, apologized for rather than defended; yet with God on its side, the Freedmen's Bureau has triumphed; civilization has received a new impulse, and the friends of humanity may well rejoice. The bureau work is being rapidly brought to a close, and its accomplishments will enter into history, while the unfounded accusation brought against it will be forgotten. There is a day and hour when slander lives not. When the passions of men subside, and when the dust of time has well fallen, then comes the hour of calmer judgment. Many-tongued scandal has the briefest of existence. . . Evil is quickly forgotten; truth alone is abiding.

A Negro's Description of the Bureau

John Wallace, *Carpet Bag Rule in Florida*, pp. 41, 107. [1868]

THE Freedmen's Bureau, an institution devised by Congress under the influence of the very best people of the Northern States, and intended as a means of protection for the freedmen, and preparing them for the new responsibilities and privileges conferred, in the hands of bad men proved, instead of a blessing, to be the worst curse of the race, as under it he was misled, debased, and betrayed. The agents of this Bureau were stationed in all the cities and principal towns in the State. They overruled the local authorities with the arbitrary force of

military power. Before it was definitely known that the Congress of the United States could confer the right of suffrage upon the negro the great majority of the agents were more oppressive of the freedmen than the local authorities, their former masters. The State having been impoverished by the war, the national government, realizing the condition of the people, and especially of the freedmen, who were set free with nothing but the scant clothing on their backs, sent provisions to the State to be distributed to such of the freedmen as were struggling, without means of subsistence, to make a crop. This meat and flour was placed in the hands of these agents for distribution, who appropriated it at their discretion, and frequently more largely for their own benefit than that of their wards. The Commissioner of the Bureau for the State, in company with a retired army officer, carried on a large plantation on the Apalachicola, until General Steadman was appointed to examine and report upon the condition of Bureau affairs, when, in anticipation of his visit to the State his interest was suddenly transferred to his partner, who, after gathering and disposing of the cotton crop and all available stock on the place, gathered himself up and left without paying the rents. M. L. Stearns, a subordinate agent at Quincy, was publicly charged with the wholesale disposition of pork and flour, and evidence was produced to convict him of receiving and attempting to force collection of a mortgage for $750 received in payment for provisions; but the officers of the Federal Court refused to entertain this case. . .

As soon as the freedmen were enfranchised they began to receive better treatment at the hands of the Bureau agents. The contracts between them and the planters, which had heretofore been interpreted against them, were now more fairly construed in their interest. . .

He [Purman, a Bureau agent] played upon the weaknesses and impulses of the colored people and drew from them shouts of joy, and responses of applause and approval with the skill and ease a master organist brings out the great swells of music by a gentle touch of the key. These would occur when he was

eloquently depicting to his eager listening audiences the horrors of slavery and the cruelty and oppression they had undergone. Every device was resorted to by these agents to embitter the colored man against the white man; and with the powers they possessed, it is no wonder they succeeded upon material so easily misled.

What incendiary harangues failed to accomplish they sought to do by exhibitions of their power over the whites, which they displayed in frequent acts of the grossest tyranny. They set at defiance the orders and decrees of the courts of justice when the matters involved were mere questions of right between two citizens, neither of whom were freedmen. They arrested and imprisoned peaceable citizens without any real cause, and refused to furnish them or their counsel with the charges upon which they were held. On one occasion they had brought before them two young ladies of the highest respectability on the charge of removing flowers from a Union soldier's grave, who protested their inocence and offered to prove it without the insult and humiliation of being arraigned at bureau headquarters; but their appeals were in vain, and they were forced to appear and stand up and unveil themselves in the presence of Hamilton to answer the charge, which no witness could be found to sustain.

Among their duties as agents of the Freedmen's Bureau, was the supervising of labor contracts between the freedmen and their employers. For this service they charged each freedman twenty-five cents and the employer fifty cents. An enterprising and intelligent citizen of the county happening to Washington, called upon General Howard, the head of the Bureau, and inquired of him if his agents were allowed to do such things. The General informed him they were not, and requested him to furnish him with evidence of this being done in any case. Thereupon the gentleman prepared and posted notices requesting those who had receipts for moneys so paid to present them to him, or, in his absence, to a designated agent. This gentleman and his agent were immediately arrested and kept in confinement without charges being preferred against them until

one of them was taken dangerously ill, when they were discharged out of fear of the consequences. Four young farmers, who worked a large number of freedmen under a contract approved and ratified by these agents, were arrested and imprisoned for doing what was provided in said contract, and without any charges or causes assigned, though the officers were repeatedly requested to furnish them. The men were discharged at the pleasure of the agents of the bureau. Many other minor acts might be mentioned showing a persistent determination to alienate the races and breed strife.

These deeds of tyranny and oppression were resorted to for the double purpose of demonstrating their power to the colored people and of humiliating the Whites. Of course they bore their legitimate fruit and naturally awakened feelings of the bitterest hostility among the people who were the victims of such injustice and insult. While the colored people were not responsible for these misdeeds, they were inevitably drawn into the troubles which ensued and doubtless encouraged to commit the first act of bloodshed which opened that eventful chapter in the history of Jackson County.

Charges against General Howard

Congressional Globe, April 6, 1870, p. 2641. The opposition to General O. O. Howard, commissioner of the Freedmen's Bureau, culminated in the investigation made in 1870. The resolutions below were introduced into the House by Fernando Wood of New York. The testimony taken is in *House Report no. 121, 41 Cong., 2 Sess.*. The majority report exonerated Howard, the minority held the opposite view. [April 6, 1870]

UPON information and belief I charged that General O. O. Howard, Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, has been guilty of malversation and dereliction of duty, inasmuch as —

First. That he has taken from the appropriations made for, and the receipts of, that bureau more than five hundred thousand dollars, improperly and without authority of law, for the Howard University, hospital and lands. . .

Second. That portions of the land alleged to have been sold for the benefit of the Howard University fund were disposed

of improperly to members of his own family and officers of his staff.

Third. That bonds issued in aid of the First Congregational church of the city of Washington were taken in payment for a portion of this land, which have not yet been redeemed or paid, nor have they been returned in his official accounts as such.

Fourth. That the University building and Hospital were built of patent brick furnished by the American Building-Block Company, in which General Howard, Charles Howard, General E. Whittlesey, and J. W. Alvord, all attached to the bureau, were interested as stockholders.

Fifth. That the specifications of the construction of those buildings provided that the material used in their erection should be taken from the brick made by this company; thus preventing competition, and securing the use of that brick, and no other, for that purpose. . .

Seventh. That by his consent and with his knowledge lumber belonging to the government was used by this company and appropriated to its own benefit, being resold to its employes.

Eighth. That he pays rent to the Howard University from the funds of the bureau for the privilege of a headquarters.

Ninth. That he draws three salaries, namely, one as a brigadier general in the United States Army, another as Commissioner of the Freedmen's Bureau, and a third as head of the Howard University.

Tenth. That he has paid from the funds of the bureau over forty thousand dollars for the construction of the First Presbyterian church, in this city, taking the church bonds in return, which he has either returned in his accounts as cash on hand, or sent south for the purposes of the bureau.

Eleventh. He has advanced a large sum from the funds of the bureau to the Young Men's Christian Association of this city, taking their bonds in payment, which have been sent to Tennessee to help the freedmen's schools in that State.

Twelfth. That he caused or knowingly allowed lands in this city, owned by an officer of the bureau, to be transferred to a freedmen's school in North Carolina; the officer taking the money appropriated for that school, and the school the lands in the city; thus perpetrating a fraud both upon the government and the freedmen.

Thirteenth. That he was interested in the purchase of a farm of about three hundred acres near the Lunatic Asylum in this county, for which the public funds and other property of the government were used. Buildings were erected thereon, built of lumber belonging to the government, and then let or sold to freedmen at exorbitant prices; and that he and his brother, Charles Howard, were personally interested in this transaction as a private pecuniary speculation.

Fourteenth. He has discharged the duties of the office of Commissioner of the bureau with extravagance, negligence and in the interests of himself and family and intimate friends.

Fifteenth. That he is one of the ring known as the "Freedmen's bureau ring," whose connections and influences with the freedmen's savings banks, the freedmen's schools of the South, the political machinery of a party in the Southern States, and whose position has been to devote the official authority and power of the bureau to personal and political profit.

5. THE FREEDMEN'S BANK

Act Incorporating the Freedmen's Bank

Acts and Resolutions, 38 Cong., 2 Sess., p. 99. The name of S. P. Chase inserted by amendment in the list of trustees, was omitted in the published act. [March 3, 1865]

Be it enacted . . That Peter Cooper, William C. Bryant, A. A. Low, S. B. Chittenden, Charles H. Marshall, William A. Booth, Gerritt Smith, William A. Hall, William Allen, John Jay, Abraham Baldwin, A. S. Barnes, Hiram Barney, Seth B. Hunt, Samuel Holmes, Charles Collins, R. R. Graves, Walter S. Griffith, A. H. Wallis, D. S. Gregory, J. W. Alvord, George Whipple, A. S. Hatch, E. A. Lambert, W. G. Lambert, Roe Lockwood, R. H. Manning, R. W. Ropes, Albert Woodruff, and Thomas Denny, of New York; John M. Forbes, William Claflin, S. G. Howe, George L. Stearns, Edward Atkinson, A. A. Lawrence, and John M. S. Williams, of Massachusetts; Edward Harris and Thomas Davis, of Rhode Island; Stephen Colwell, J. Wheaton Smith, Francis E. Cope, Thomas Webster, B. S. Hunt, and Henry Samuel, of Pennsylvania; Edward Harwood, Adam Poe, Levi Coffin, J. M. Walden, of Ohio, and their successors, are constituted a body corporate in the city of Washington, in the District of Columbia, by the name of the Freedman's Savings and Trust Company, and by that name may sue and be sued in any court of the United States.

Sec. 5. . . The general business and object of the corporation hereby created shall be, to receive on deposit such sums of money as may, from time to time, be offered therefor, by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, Treasury notes, or other securities of the United States.

Sec. 11. . . In the case of the death of any depositor, whose deposit shall not be held upon any trust created pursuant to the provisions hereinbefore contained, or where it may prove impossible to execute such trust, it shall be the duty of the corporation to make diligent efforts to ascertain and discover whether such deceased depositor has left a husband, wife, or children surviving, and the corporation shall keep a record of the effects so made, and of the results thereof; and in case no person lawfully entitled thereto shall be discovered or shall appear, or claim the funds remaining to the credit of such depositor before the expiration of two years from the death of such depositor, it shall be lawful for the corporation to hold and invest such funds as a separate trust fund, to be applied, with the accumulations thereof, to the education and improvement of persons heretofore held in slavery, or their descendants, being inhabitants of the United States, in such manner and through such agencies as the board of trustees shall deem best calculated to effect that object: *Provided,* That if any depositor be not heard from within five years from the date of his last deposit, the trustees shall advertise the same in some paper of general circulation in the State where the depositor was last heard from; and if, within two years thereafter such depositor shall not appear, nor a husband, wife, or child of such depositor, to claim his deposits, they shall be used by the board of trustees as hereinbefore provided for in this section. . .

In Successful Operation

House Ex. Doc. no. 70, 39 Cong., 1 Sess. Report of J. W. Alvord, inspector of Bureau schools. Alvord was the founder of the Freedmen's Bank. [January 1, 1866]

THE Savings and Trust Company for freedmen . . has gone into successful operation in nearly all the States south, and promises to do much to instruct and elevate the financial notions of the freedmen. The trustees and friends of the institution believe that the industry of these four millions furnishes a solid basis for its operations. Pauperism can be brought to a close; the freedmen made self-supporting and prosperous, paying for their educational and Christian institutions, and helping to bear the burdens of government by *inducing habits of saving* in what they earn. That which savings banks have done for the working men of the north it is presumed they are capable of doing for these laborers. I was privately and publicly told that the freedmen welcomed the institution. They understand our explanations of its meaning, and the more intelligent see

and appreciate fully its benefits. Calls were made upon me at all the large towns for branches of the bank.

Information and Instruction

Bank book and circulars. The following extracts were printed on the covers of the pass books and in the circulars sent out among the negroes. [1865]

A MAN who saves ten cents a day every day for ten years, will have, if he puts it at interest at six per cent.—

In	1 year he will have . .	$ 36.99
In	2 years he will have . .	76.20
In	3 years he will have . .	117.81
In	4 years he will have . .	161.94
In	5 years he will have . .	208.74
In	6 years he will have . .	258.42
In	7 years he will have . .	311.13
In	8 years he will have . .	367.03
In	9 years he will have . .	426.37
In	10 years he will have . .	489.31

"I consider the Freedmen's Savings and Trust Company to be greatly needed by the colored people, and have welcomed it as an auxiliary to the Freedmen's Bureau."— MAJ. GEN. O. O. HOWARD.

"'Tis little by little the bee fills her cell;
And little by little a man sinks a well;
'Tis little by little a bird builds her nest;
By littles a forest in verdure is drest;
'Tis little by little great volumes are made;
By littles a mountain or levels are made;
'Tis little by little an ocean is filled;
And little by little a city we build;
'Tis little by little an ant gets her store;
Every little we add to a little makes more;
Step by step we walk miles, and we sew stitch by stitch;
Word by word we read books, cent by cent we grow rich."

This is a *benevolent* institution. All profits go to the depositors, or to educational purposes for the freedmen and their descendants.

The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence to this bank.

Statistics of Savings

House Misc. Doc. no. 16, 39 Cong., 2 Sess., pp. 61, 91. The bank was insolvent after 1872 and it collapsed in 1874 owing depositors the amounts shown in the second table. The total business done was about $56,000,000. [1866-1874]

Table showing the relative business of the company for each fiscal year

For Year ending March 1	Total Amount of Deposits	Total Amount of Drafts	Balance Due Depositors
1866 . .	$ 305,167.00	$ 105,883.58	$ 199,283.42
1867 . .	1,624,853.33	1,258,515.00	366,338.33
1868 . .	3,582,378.36	2,944,079.36	638,299.00
1869 . .	7,257,798.63	6,184,333.32	1,073,465.31
1870 . .	12,605,781.95	10,948,775.20	1,657,006.75
1871 . .	19,952,647.36	17,497,111.25	2,455,836.11

Amount of deposit at the various branches of the Freedmen's Savings and Trust Company, February 14, 1874.

BRANCHES	DEPOSITS	BRANCHES	DEPOSITS
Alexandria, Va.	$ 21,584	Montgomery, Ala.	$ 29,743
Atlanta, Ga.	28,404	Natchez, Miss.	22,195
Augusta, Ga.	96,882	Nashville, Tenn.	78,525
Baltimore, Md.	303,947	New Berne, N. C.	40,621
Beaufort, S. C.	65,592	New Orleans, La.	240,006
Charleston, S. C.	255,345	New York, N. Y.	344,071
Columbus, Miss.	18,857	Norfolk, Va.	126,337
Columbia, Tenn.	19,823	Philadelphia, Pa.	84,657
Huntsville, Ala.	35,963	Raleigh, N. C.	26,703
Jacksonville, Fla.	22,022	Richmond, Va.	166,000
Lexington, Ky.	34,193	Savannah, Ga.	153,425
Little Rock, Ark.	17,728	Shreveport, La.	30,312
Louisville, Ky.	137,094	Saint Louis, Mo.	58,397
Lynchburg, Va.	19,967	Tallahassee, Fla.	40,207
Macon, Ga.	54,342	Vicksburg, Miss.	104,348
Memphis, Tenn.	96,755	Washington, D. C.	384,789
Mobile, Ala.	95,144	Wilmington, N. C.	45,223
			$3,299,201

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Frederick Douglass and the Freedmen's Bank

Life and Times of Frederick Douglass by Himself, p. 487. Used by permission of De Wolfe, Fiske and Co. Copyright, 1885. Douglass was made president of the Bank a few weeks before it failed. Those who wrecked the Bank withdrew. [1874]

IT is not altogether without a feeling of humiliation that I must narrate my connection with the "Freedmen's Savings and Trust Company."

This was an institution designed to furnish a place of security and profit for the hard earnings of the colored people, especially at the South. . . There was something missionary in its disposition, and it dealt largely in exhortations as well as promises. The men connected with its management were generally church members, and reputed eminent for their piety. Some of its agents had been preachers of the "Word." Their aim was how to instil into the minds of the untutored Africans lessons of sobriety, wisdom, and economy, and to show them how to rise in the world. Like snowflakes in winter, circulars, tracts, and other papers were, by this benevolent institution, scattered among the sable millions, and they were told to "look" to the Freedmen's Bank and "live." Branches were established in all the Southern States, and as a result, money to the amount of millions flowed into its vault. With the usual effect of sudden wealth, the managers felt like making a little display of their prosperity. They accordingly erected on one of the most desirable and expensive sites in the national capital, one of the most costly and splendid buildings of the time, finished on the inside with black walnut and furnished with marble counters and all the modern improvements. . .

I had read of this bank when I lived in Rochester, and had indeed been solicited to become one of its trustees and had reluctantly consented to do so; but when I came to Washington and saw its magnificent brown stone front, its towering height, its perfect appointments and the fine display it made in the transaction of its business, I felt like the Queen of Sheba when she saw the riches of Solomon, that "the half has not been told to me." . .

My confidence in the integrity and wisdom of the management was such that at one time I had entrusted to its vaults

about twelve thousand dollars. It seemed fit to me to cast in my lot with my brother freedmen and to help build up an institution which represented their thrift and economy to so striking advantage; for the more millions accumulated there, I thought, the more consideration and respect would be shown to the colored people of the whole country.

About four months before this splendid institution was compelled to close its doors in the starved and deluded faces of its depositors, and while I was assured by its President and by its Actuary of its sound condition, I was solicited by some of its trustees to allow them to use my name in the board as a candidate for its presidency. So I waked up one morning to find myself seated in a comfortable arm chair, with gold spectacles on my nose, and to hear myself addressed as President of the Freedmen's Bank. I could not help reflecting on the contrast between Frederick, the slave boy, running about . . with only a tow linen shirt to cover him, and Frederick, President of a bank counting its assets by millions. . . My term of service on this golden height covered only the brief space of three months, and these three months were divided into two parts, during the first part of which I was quietly employed in an effort to find out the real condition of the bank and its numerous branches. . . I was encouraged in the belief that by curtailing the expenses, and doing away with non-paying branches, which policy the trustees had now adopted, we could be carried safely through the financial distress then upon the country. So confident was I of this, that in order to meet what was said to be a temporary emergency, I was induced to loan the bank ten thousand dollars of my own money, to be held by it until it could realize on a part of its abundant securities. . . The more I observed and learned the more my confidence diminished. I found that those trustees who wished to issue cards, and publish addresses professing the utmost confidence in the bank, had themselves not one dollar deposited there. Some of them, while strongly assuring me of its soundness, had withdrawn their money and opened accounts elsewhere. Gradually I discovered that the bank had through dishonest agents, sustained

heavy losses at the South; that there was a discrepancy on the books of forty thousand dollars for which no account could be given, and that, instead of our assets being equal to our liabilities, we could not in all likelihood . . pay seventy-two cents on the dollar. There was an air of mystery . . which greatly troubled me, and which I have only been able to explain to myself on the supposition that the employees . . were . . naturally anxious to hold their places, and consequently have the business continued. . .

I found the path of enquiry I was pursuing an exceedingly difficult one. I knew that there had been a heavy draft made upon its reserved fund, but I did not know, what I should have been told before being allowed to enter upon the duties of my office, that this reserve, which the bank by its charter was required to keep, had been entirely exhausted and that hence there was nothing left to meet any future emergency. . . I was in six weeks after my election as president of this bank, convinced that it was no longer a safe custodian of the hard earnings of my confiding people. This conclusion once reached, I could not hesitate as to my duty in the premises and this was, to save as much as possible of the assets held by the bank for the benefit of the depositors; and to prevent their being further squandered in keeping up appearances, and in paying the salaries of myself and other officers in the bank. . . I felt it my duty to make known as speedily as possible to Hon. John Sherman, Chairman of the Senate Committee on Finance, and to Senator Scott of Pennsylvania . . that I regarded the institution as insolvent and irrecoverable, and that I could no longer ask my people to deposit their money in it. This representation to the finance committee subjected me to very bitter opposition on the part of the officers of the bank. Its actuary, Mr. Stickney, immediately summoned some of the trustees, a dozen or so of them, to go before the finance committee and make a counter statement to that made by me. . . Some of them who had assisted me by giving me facts showing the insolvency of the bank, now made haste to contradict that conclusion and to assure the committee that it was, if allowed to go on, abundantly able to

weather the financial storm and pay dollar for dollar to its depositors. . .

I, however, adhered to my statement that the bank ought to stop. The finance committee substantially agreed with me and in a few weeks so legislated, by appointing three commissioners to take charge of its affairs, as to bring this imposing banking business to a close.

Investigation of the Bank

House Report, no. 502, 44 Cong., 1 Sess. From the report of a Committee of Congress, signed by Democrats and Republicans. [1876]

As a befitting introduction to their report your committee offer the following brief account of the origin, structure, and early history of the institution commonly known as the Freedmen's Bank, from which . . it will be easy to discern how naturally it degenerated into a monstrous swindle and justifies a suspicion that it was . . merely a scheme of selfishness under the guise of philanthropy, and to its confiding victims an incorporate body of false pretenses. While the civil war was still in progress it had occurred to some of the generals of the Federal armies that depositories for receiving and keeping the pay and bounties of the colored Union soldiers would be a convenient and necessary provision for their benefit, and accordingly military savings banks were established at Norfolk, Va., and at Beaufort, S. C. They seemed to have been well-timed and suitable to the object in view, as the colored soldiers eagerly availed themselves for depositing therein such portions of their pay and bounties as they did not need for their own immediate use, and large sums were found to have accumulated in them when hostilities ceased. From some cause or other, but doubtless by the death of many, the dispersion of the survivors, and the prevailing ignorance of the class of depositors, this money remained uncalled for. . . To utilize this fund and to collect and turn to profit the large sums still due and to be paid by the Government seemed to have led to the conception of the idea of a Freedmen's Savings and Trust Company. . . The Freedmen's Bureau, so redolent of evil under specious guise,

and an adept in the ways and means of squandering money, readily supplied the personal agencies for the undertaking. Of these the chief and founder of the so-called Freedmen's Bank was one John W. Alvord, an attaché of the bureau, and superintendent of its educational department. This man . . abounding in pious platitudes about the good of mankind in general, but with a keen eye to the main chance . . having proved a failure in both lay and clerical pursuits . . now turned his benevolent regards to the confiding and ignorant black element of the South. He got up the charter for the bank, a charter so singular in its array of high and eminent names for corporators, for its business organization, whereby nine out of fifty trustees were constituted a quorum, and so utterly and entirely without safeguards or protection for those who were to become its patrons and depositors that it is hard to believe that its author, whatever might have been his other deficiencies, did not thoroughly understand how to organize cunning against simplicity and make it pay for the pleasure of being cheated. As no intentional injustice is designed by your committee in their search for and exposure of the men who are responsible for the outrages perpetrated upon the colored people by the bank, we desire to say right here that many of the distinguished and eminently worthy gentlemen who figure in the charter never gave the use of their names and never accepted or took to execute the trust it created. They were thrust in for appearance' sake and to make the delusion attractive and complete. Some who really believed in the good professions of the projectors of the scheme and its adaptability to promote the welfare of those for whose benefit it was apparently intended, and who at first took seats at the board of trustees, quickly vacated them in disgust and the whole management soon devolved, as was manifestly the intention that it should do, upon a cabal in Washington, consisting of a small minority of the acting trustees. . .

Theoretically the design and the structure of the bank were admirable. The pecuniary benefit of the freedmen, and the moral and social advantages which attend upon material prosperity, were the avowed objects. The various benefits of this beneficent scheme were so divided and allotted out to boards

and committees as seemingly to insure efficiency and fidelity in the officers and agents, and proper guarantees to depositors. But the human instrumentalities on which the system depended for its successful operation were lamentably defective. . . The law lent no efficacy to the moral obligations assumed by the trustees, officers, and agents, and the whole concern inevitably became as a "whited sepulchre." . . The inspectors . . were of little or no value, either through the connivance and ignorance of the inspectors or the indifference of the trustees to their reports. . . The committee of examination . . were still more careless and inefficient, while the board of trustees, as a supervising and administrative body, intrusted with the fullest power of general control over the management, proved utterly faithless to the trust reposed in them. Everything was left to the actuary and finance committee. Such was the practical working of the machine. . .

The depositors were of small account now compared with the personal interest of the political jobbers, real-estate pools, and fancy-stock speculators, who were organizing a raid upon the freedmen's money and resorted to . . amendment of the charter to facilitate their operations. The District [of Columbia] government, too, came in to hasten and profit by the work of spoliation thus inaugurated. Its treasury was wholly unequal to the task of sustaining the magnificent expenditures of the board of public works, presided over by H. D. Cooke, and controlled by Mr. A. R. Shepherd. Some exchequer must be found to advance upon the depreciated bonds and worthless auditor's certificates of the District, or the contracts must fail, and the speculations of the pool and of Shepherd and his friends in out-of-the-way and unimproved town lots come to grief. This mass of putridity, the District government, now abhorred of all men, and abandoned and repudiated even by the political authors of its being, was represented in the bank by no less than five of its high officers, viz., H. D. Cooke, George W. Balloch, Wm. S. Huntington, D. L. Eaton, and Z. B. Richards, all of whom were in one way or other concerned in speculations [involving] a free use of the funds of the Freed-

man's Bank. They were high in power, too, with the dominant influence in Congress, as the legislation they asked or sanctioned and obtained, fully demonstrated. Thus it was that without consulting the wishes or regarding the interests of those most concerned — the depositors — the vaults of the bank were literally thrown open to unscrupulous greed and rapacity. The toilsome savings of the poor negroes, hoarded and laid by for a rainy day, through the carelessness and dishonest connivance of their self-constituted guardians, melted away. . .

Your committee call attention to the books of the bank. Their condition indicates a settled purpose, running through a series of years, to muddle and confuse accounts so as to make them unintelligible. . . If nothing more than an occasional mistake or slight "irregularity" occurred, it might be set down, perhaps, to the inexperience of the book-keepers or the want of clerical force to write up the books properly. . . But it is far otherwise. The books are mutilated and defaced — leaves cut out in some places and firmly pasted together in others — without proper indexes to guide and direct the searcher into their hidden mysteries — abounding in false entries and forced balances. . .

Full of gratitude to the Government for his emancipation, the negro was easily approached by, and gave unheeding credence to, any adventurer who declared himself his friend and professed a desire to aid his moral, intellectual, and social elevation. . . He believed and was deceived, trusted and was betrayed. Taught, to his ruin and that of the whites among whom he lives, . . and between whom and himself there must be mutual trust and confidence before prosperity can be restored to his section, to hate and distrust the "old master classes," he is now derided . . for his credulity, . . and told that those who dragged him out of slavery have by that one act cancelled every obligation to deal with him on principles of common honesty. Upon no one of the originators and trustees of the bank did so great a responsibility rest as upon John W. Alvord, but yet he permitted all the misdoings described in this report to go on from year to year without any vigorous

protest or effort to correct them and so far from giving warnings to those who had so trusted the concern through his persuasion, he helped to keep up the delusion by praising it, enlarging upon its benefit, giving assurance of its ability, and soliciting increase of depositors and deposits.

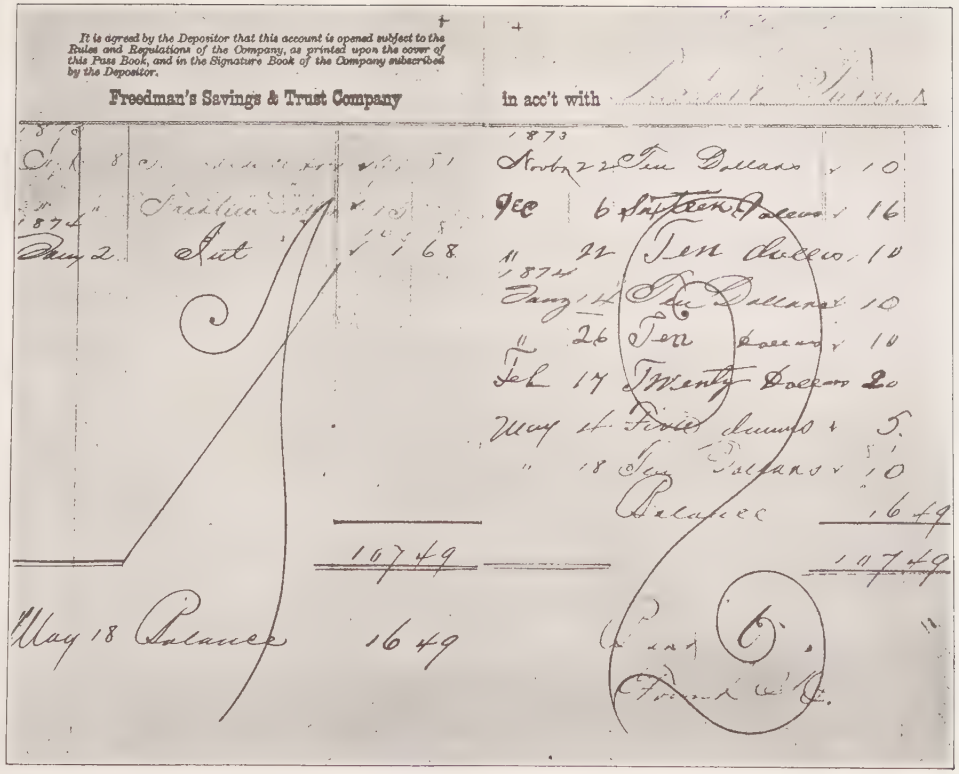
Experience of a Depositor

House Report, no. 502, 44 Cong., 1 Sess., p. 29. Statement of John Watkins of Washington, D. C. Boston, assistant cashier and son-in-law of Wilson, cashier of the Washington branch, had been checking out Watkins' money. The latter could not read. He lost $1100 to Boston. The cashiers were frequently dishonest. [1874]

ABOUT a week after the bank closed I carried my pass-book up there, and also my little boy's. My little boy had $60 in the bank, I think, and I had nine hundred odd. I wanted to find out how I stood. I saw Boston fifteen or sixteen times after the bank closed, and I waited and waited and waited, till at last I went to the bank to see about my book. I could not find Boston in, but I said to the clerk there, "Do you know how Watkin's account is?" He looked at the book and said "Yes, you have 40 cents." I said, "Forty hells." He said, "Yes." Said I, "What will I do?" Said he, "I don't know." I said I never had the money and asked him to tell me where I could find Boston. He told me where to find Boston, somewhere on E street, below the Patent Office, and there I found him. I went in and commenced pulling off my coat to fight him right away. I said, "Boston, what is the meaning of this, that I have only 40 cents in the bank?" His face got white and, said he, "Mr. Watkins, I drew it out." "Hell," said I, "you drew it out and told me nothing of it?" "Well," said he, "I will fix that all right." The bank was to pay a dividend in two or three weeks' time, and he said, "I will pay you a dividend on the 15th of next month." Said I, "Jesus Christ, I do not know what to do with you." The clerk at the bank showed me the checks on which the money was drawn, but of course, I did not know one check from the other. . . I could not get anything out of Boston. . .

I said, "Mr. Wilson, I don't want to get closed up in this

concern. [This was before the bank suspended.] A man in this town, unless he has money, is not worth more than a dog. I have worked hard, night and day, for this money, and so has my wife, and it should not be closed up in this way." He said, "You see that Treasury over there don't you?" I said, "Yes." "Well," said he, "there is no more chance of this bank closing or bursting than there is of that Treasury." I said, "If that is so, it is all right." He said, "It is just prejudice that white people have got against us." I then made myself contented. My heart went down and I went to work. There the matter stood, and only 40 cents on my passbook to my credit. They did not rob my boy's book. When I was loaning money to Boston I supposed that it was all right as he was cashier of the bank. I supposed he owned it all himself.


It is agreed by the Depositor that this account is opened subject to the Rules and Regulations of the Company, as printed upon the cover of this Pass Book, and in the Signature Book of the Company subscribed by the Depositor.
Freedman's Savings & Trust Company
in acc't with
1873
Nov 22 Ten Dollars 10
Dec 6 Sixteen Dollars 16
" 22 Ten dollars 10
1874
Jany 14 Ten Dollars 10
" 26 Ten dollars 10
Feb 17 Twenty Dollars 20
May 16 Five dollars 5
" 18 Ten Dollars 10
Balance 16 49
16 49
16 49
May 18 Balance 16 49

A Depositor's Account in the Freedman's Bank

[*Facsimile of original in the Treasury Department, Washington, D. C.*]

VI

RECONSTRUCTION BY CONGRESS

INTRODUCTION

By the first Reconstruction Act of March 2, 1867, Congress, which had been opposing the presidential policy of restoration since 1863 and which had refused to recognize the state governments set up by Lincoln and Johnson, took entire charge of the matter of restoring the Southern states to the Union. The plan of Congress involved the discontinuance of the "state" governments established by Lincoln and Johnson, and the setting up of new governments based on a new electorate — the leading whites being disfranchised and the blacks enfranchised. The army was used to control the South while the "reconstruction" was taking place. The president's opposition was somewhat neutralized by the passage of laws limiting his power of dismissal of Federal officials and his authority over the army. The policy of Congress was outlined in the Act of March 2, but three more acts — March 23 and July 19, 1867, and March 11, 1868 — were necessary to get the plan into operation. The Supreme Court was deprived of jurisdiction over these laws.

For about one year the South was under the rule of military commanders over whom the President had little control. During this time a Radical party, composed mainly of blacks, and a Conservative party, most of whom were white, were organized in the South, the first supporting the policy of Congress, the other opposing it. Under the supervision of the army the new electorate was enrolled, elections were held; and conventions, made up of native whites (scalawags), Northern whites (carpet-

baggers), and negroes, met and framed for the Southern states new constitutions in harmony with the Reconstruction acts. The constitutions were then ratified by the new electorate except in Virginia, Texas and Mississippi, officials were elected, and the states were ready for the recognition of Congress. Meanwhile the constant opposition of the President to Congressional measures led to an attempt to remove him by impeachment. The charges were trivial, and the trial a mockery, but by one vote he escaped removal. After the failure of impeachment the seven reconstructed states were readmitted under stringent conditions as to future regulation of the suffrage. Since each reconstructed state was forced to ratify the proposed Fourteenth Amendment that measure was now adopted as a part of the Constitution.

In the presidential campaign of 1868 Reconstruction was the chief issue, the Republicans upholding the policy, the Democrats proposing to discontinue it. The newly reconstructed states, controlled by the black voters, carried the election for the Republicans and the Reconstruction was then completed under President Grant, who secured a modification of the Radical constitutions of Texas, Virginia, and Mississippi, which were then adopted and the states readmitted. With the forced ratification of these reconstructed states the Fifteenth Amendment was now adopted and the Reconstruction was considered complete; negro suffrage was a fact and the negro party was in control in the South; the leading whites were disfranchised; and the Fourteenth and Fifteenth Amendments seemed to make permanent these conditions.

REFERENCES

Opposition to the President: Burgess, *Reconstruction and the Constitution*, ch. 2-5; DeWitt, *Impeachment and Trial of President Johnson*, sec. 1-3; Dunning, *Civil War and Reconstruction*, pp. 86, 90, 120.

Reconstruction Acts: Burgess, pp. 112-138; Chadsey, *President Johnson and Congress*, ch. 5; DeWitt, ch. 2; Dunning, pp. 123-125, 261; Fleming, *Civil War and Reconstruction in Alabama*, p. 473; Gorham, *Edwin M. Stanton*, vol. II, ch. 109; Garner, *Reconstruction in Mississippi*, p. 156; Harrell, *Brooks and Baxter War*, ch. 2; Herbert, *The Solid South*, pp. 24, 74, 120; Woolley, *Reconstruction of Georgia*, ch. 3.

Military Rule: Avary, *Dixie after the War*, ch. 22; Burgess, ch. 8; Dunning, pp. 136-175; Eckenrode, *Virginia during Reconstruction*, ch. 5; Fleming, ch. 12; Garner, p. 161; Harrell, ch. 3; Hollis, ch. 3, 4; Phelps, *Louisiana*, ch. 14; Reynolds, *Reconstruction in South Carolina*; Sheridan, *Memoirs*, vol. II, ch. 11; Woolley, ch. 4.

Registration and Elections: Burgess, p. 147; Dunning, pp. 188, 204, 232; Fleming, pp. 488, 493, 538; Garner, pp. 171, 216; Harrell, ch. 3; Herbert, pp. 46, 300, 327, 332; Hollis, *Early Period of Reconstruction in South Carolina*, p. 78; Reynolds, p. 72; Wallace, *Carpet Bag Rule in Florida*, ch. 5.

Conventions and Constitutions: Avary, ch. 23; Burgess, pp. 149, 150; Dunning, p. 193; Eckenrode, ch. 6; Fleming, ch. 14; Garner, p. 186; Harrell, ch. 3; Herbert, pp. 44, 77, 85, 120, 295, 328; Hollis, ch. 4; Phelps, ch. 14; Reynolds, p. 72; Wallace, ch. 5; Woolley, ch. 4.

Reconstruction Campaigns in the South: Avary, ch. 21; Burgess, pp. 148-155; Eckenrode, ch. 5; Fleming, pp. 503, 531; Garner, pp. 176, 205; Harrell, ch. 3; Reynolds, pp. 84, 90, 100; Wallace, ch. 5; Woolley, ch. 4.

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The Supreme Court and Reconstruction: Burgess, pp. 12, 144, 146, 196, 197; Dunning, pp. 136, 137; Garner, pp. 159, 168; Herbert, pp. 26, 122.

Impeachment and Trial of the President: Blaine, *Twenty Years of Congress*, vol. II, ch. 14; Boutwell, *Reminiscences*, vol. II; Burgess, ch. 9; Chadsey, ch. 6; DeWitt, *Impeachment and Trial of President Johnson*; Dunning, p. 253; Gorham, vol. II, pp. 393-455; Hart, *S. P. Chase*, p. 358; McCall, *Thaddeus Stevens*, ch. 18; Story, *Charles Sumner*, pp. 332, 347.

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President Grant and Reconstruction: Burgess, ch. 11; Dunning, pp. 231, 233, 242; Eckenrode, ch. 7; Garner, pp. 229, 269; Herbert, pp. 126-133, 249-253, 330, 332, 369; Woolley, ch. 6-8.

The Case of Georgia: Burgess, p. 235; Dunning, pp. 224, 237, 239, 241, 242, 246; Herbert, pp. 122, 126; Woolley, ch. 6.

First Reconstruction Act

Acts and Resolutions, 39 Cong., 2 Sess., p. 60. Vetoed by the President and passed over the veto on the same day. [March 2, 1867]

WHEREAS no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyalty and republican State governments can be legally established: Therefore

Be it enacted, . . That said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama and Florida, the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

Sec. 2. . . It shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

Sec. 3. . . It shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

Sec. 4. . . All persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions. . .

Sec. 5. . . When the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in that State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors of delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the thirty-ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

Sec. 6. . . Until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify or control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article[1] of said constitutional amendment.

The Command of the Army

Acts and Resolutions, 39 Cong., 2 Sess., p. 120. The following sections were passed as "riders" to the army appropriation act. The command of the army was thus practically taken from the President and given to General Grant. [March 2, 1867]

Sec. 2. *And be it further enacted*, That the headquarters of the General of the army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and, in case of his inability, through the next in rank. The General of the army shall not be removed, suspended, or relieved from command, or assigned to duties elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of

[1] *i. e.*, section.

this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

Sec. 5. . . It shall be the duty of the officers of the army and navy and of the Freedmen's Bureau to prohibit and prevent whipping or maiming of the person, as a punishment for any crime, misdemeanor or offense, by any pretended civil or military authority in any State lately in rebellion, until the civil government of such State shall have been restored, and shall have been recognized by the Congress of the United States.

Sec. 6. . . All militia forces now organized or in service in either of [the late Confederate States, Arkansas and Tennessee excepted] be forthwith disbanded, and that the further organization, arming, or calling into service of the said militia forces, . . is hereby prohibited under any circumstances whatever until the same shall be authorized by Congress.

Tenure of Office Act

Acts and Resolutions, 39 Cong., 2 Sess., p. 62. This act had an important bearing on the course of Reconstruction, the trouble with Stanton, and the impeachment. It was passed over the President's veto. [March 2, 1867]

Be it enacted . . That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided,* That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

Sec. 2. . . When any officer appointed as aforesaid, excepting judges of the United States courts, shall, during the recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer, and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate; . . and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension, and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended. . .

Sec. 3. . . The President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate shall be made to such office so vacant or temporarily filled as aforesaid during such next session of the Senate, such office shall remain in abeyance without any salary, fees, or emoluments attached thereto, until the same shall be filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer

as may by law exercise such powers and duties in case of a vacancy in such office.

Sec. 4. . . Nothing in this act contained shall be construed to extend the term of any office the duration of which is limited by law.

Sec. 5. . . If any person shall, contrary to the provisions of this act, accept any appointment to or employment in any office, or shall hold or exercise, or attempt to hold or exercise, any such office or employment, he shall be deemed, and is hereby declared to be, guilty of a high misdemeanor, and upon trial and conviction thereof, he shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments. . .

Sec. 6. . . Every removal, appointment, or employment made, had, or exercised, contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment shall be deemed, and are hereby declared to be, high misdemeanors, and upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court. . .

Sec. 7. . . It shall be the duty of the Secretary of the Senate, at the close of each session thereof, to deliver to the Secretary of the Treasury, and to each of his assistants, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all persons who shall have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations shall have been made and not confirmed and filled at such session.

Sec. 8. . . Whenever the President shall, without the advice and consent of the Senate, designate, authorize, or employ any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and it shall be the duty of the Secretary of the Treasury thereupon to communicate such notice to all the proper accounting and disbursing officers of his department.

Sec. 9. . . No money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to the provisions of this act; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer of the United States, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof; and every person who shall violate any of the provisions of this section shall be deemed guilty of a high misdemeanor, and, upon trial and conviction thereof, shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both said punishments, in the discretion of the court.

Supplementary Reconstruction Act

Acts and Resolutions, 40 Cong., 1 Sess., p. 260. Passed over the veto. This act was to hasten the Reconstruction which would probably have failed under the first act. [March 23, 1867]

Be it enacted . . That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act as aforesaid, and who shall have taken and subscribed the following oath or

affirmation: "I, ————, do solemnly swear (or affirm,) in the presence of Almighty God, that I am a citizen of the State of ————; that I have resided in said State for —— months next preceding this day, and now reside in the county of ————, or the parish of ————, in said State (as the case may be;) That I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; and I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer.

Sec. 2. . . After the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia

in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid. [1]

Sec. 3. . . At said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a constitution shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The person appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided,* That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

Sec. 4. . . The commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on the question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention,

1 Forty-eight counties of Virginia had been made into the new state of West Virginia.

when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

Sec. 5. . . If, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, at least one half of all the registered voters voting upon the question of such ratification, the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and senators and representatives shall be admitted therefrom as therein provided.

Sec. 6. . . All elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath pre-

scribed by the act approved July second, eighteen hundred and sixty-two, [1] entitled "An act to prescribe an oath of office:" *Provided,* That if any person knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

Sec. 7. . . All expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

Sec. 8. . . The convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

Sec. 9. . . The word article, in the sixth section of the act to which this is supplementary, shall be construed to mean section.

Interpretation of the Reconstruction Acts

House Ex. Doc. no. 34, 40 Cong., 1 Sess. Proceedings at a meeting of the cabinet. Instructions in accord with these proceedings were sent on June 20, 1867, through the adjutant general's office to the military commanders in the South. The instructions are in Richardson, *Messages and Papers,* vol. vi, p. 552. [June 18, 1867]

THE President announced that he had under consideration the two opinions from the Attorney-General as to the legal questions arising upon the Acts of Congress, commonly known as the reconstruction acts, and that in view of the great magnitude of the subject, and the various interests involved, he deemed it proper to have it fully considered in cabinet, and to avail himself of all the light which could be afforded by the opinions and advice of the members of the cabinet, to enable him to see that these laws be faithfully executed, and

1 See p. 191.

to decide what orders and instructions are necessary and expedient to be given to the military commanders.

The President said further, that the branch of the subject that seemed to him first in order for consideration was as to the instructions to be sent to the military commanders for their guidance, and for the guidance of persons offering for registration. The instructions proposed by the Attorney-General, as set forth in the summary contained in his last opinion, will therefore be now considered. . .

The reading of the summary having been concluded, each section was then considered, discussed, and voted upon as follows:

1. The oath prescribed in the supplementary act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

All vote aye except the Secretary of War, who votes nay.

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath; nor to administer any oath to any other person touching the qualifications of the applicant, or the falsity of the oath so taken by him.

No provision is made for challenging the qualifications of the applicant, or entering upon any trial or investigation of this qualification, either by witness or any other form of proof.

All vote aye except the Secretary of War, who votes nay. . .

4. An unnaturalized person cannot take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required of him.

All vote aye except the Secretary of War, who votes nay. . .

6. No one who has been disfranchised for participation in any rebellion against the United States, or for felony committed against the laws of any State or of the United States, can take this oath.

The actual participation in a rebellion, or the actual commission of a felony, does not amount to a disfranchisement.

The sort of disfranchisement here meant is that which is declared by law passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for participation in rebellion alone. Nor is it known that any such law exists in either of these ten States, except perhaps Virginia, as to which State special instructions will be given.

All vote aye except the Secretary of War, who dissents as to the second and third paragraphs.

7. As to Disfranchisement arising from having held office, followed by participation in Rebellion.

This is the most important part of the oath, and requires strict attention to arrive at its meaning.

The applicant must swear or affirm as follows:

That I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterward engaged in an insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof.

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of the United States; second, engaging afterward in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office and taken the oath to support the Federal Constitution, and has not afterward engaged in rebellion, is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

All vote aye except the Secretary of War, who votes nay. . .

9. Militia officers of any State, prior to the rebellion, are not subject to disqualification.

All vote aye except the Secretary of War, who votes nay. . .

13. Persons who exercise mere employments under State authority are not disqualified; such as commissioners to lay out roads, commissioners of public works, visitors of state institutes, directors of state institutions, examiners of banks, notaries public, and commissioners to take acknowledgment of deeds.

Concurred in unanimously, but the Secretary of State, the Secretary of the Treasury, and the Secretary of War express the opinion that lawyers are such officers as are disqualified, if they participated in the rebellion. Two things must exist as to any person to disqualify him from voting: first the office held prior to the rebellion, and afterward participation in the rebellion.

14. An act to fix upon a person the offense of engaging in rebellion under this law, must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose. A person forced into the rebel service by conscription, or under a paramount authority which he could not safely disobey, and who would not have entered such service if left to the free exercise of his own will, cannot be held to be disqualified from voting.

All vote aye except the Secretary of War, who votes nay as the proposition is stated. . .

16. All those who, in legislative or other official capacity, were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congresses, and legislatures, diplomatic agents of the rebel Confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities, or whose duties appertained to the support of the rebel cause, must be held to be disqualified.

But officers who, during the rebellion, discharged official duties not incident to war, but only such duties as belong even

to a state of peace, and were necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify; but where a person has by speech or by writing incited others to engage in rebellion, he must come under the disqualification.

All vote aye except the Secretary of War, who dissents to the second paragraph, with the exception of the words, "where a person has by speech or by writing incited others to engage in rebellion, he must come under the disqualification." . .

Third Reconstruction Act

Statutes at Large, vol. xv, p. 14. Passed over the veto. To nullify the interpretation of the Reconstruction acts by the cabinet and the attorney general. [July 19, 1867]

Be it enacted . . That it is hereby declared to have been the true intent and meaning of the [acts of March 2, March 23, 1867] that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

Sec. 2. . . The commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the

General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

Sec. 3. . . The General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

Sec. 4. . . The acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided,* That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed, either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office as aforesaid all persons who are disloyal to the government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

Sec. 5. . . The boards of registration provided for in the act entitled "An act supplementary to an act . . passed March 23, 1867, shall have power, and it shall be their duty before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a

note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided,* That no person shall be disqualified as member of any board of registration by reason of race or color.

Sec. 6. . . The true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

Sec. 7. . . The time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him for registration or voting.

Sec. 8. . . Section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

Sec. 9. . . All members of said boards of registration and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and subscribe the ["iron clad" oath].

Sec. 10. . . No district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

Sec. 11. . . All the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

Fourth Reconstruction Act

Acts and Resolutions, 40 Cong., 2 Sess., p. 10. According to the act of March 2, sec. 5, and of March 23, sec. 5, a majority of the registered voters must vote on the Constitution or it would fail. In Alabama the people had defeated the new Constitution by staying away from the polls. This law was to prevent rejection by other states. It became a law without the signature of the President.

[March 11, 1868]

Be it enacted . . That hereafter any election authorized by the act passed March 23, 1867 . . shall be decided by a majority of votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe.

Sec. 2. . . The constitutional convention of any of the States mentioned in the acts to which this is amendatory may

provide that at the time of voting upon the ratification of the constitution the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers who shall make the return of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress.

2. THE SOUTH'S RECEPTION OF THE POLICY OF CONGRESS

Whites Promise Co-operation

Montgomery *Mail*, April 21, 1867. Resolutions adopted at a public meeting in Mobile. [April 19, 1867]

Resolved, Without expressing any opinion as to the [Reconstruction Acts] . . we hereby manifest our gratification at the spirit of moderation which the major-general [Pope] commanding the Third District brings to the discharge of the responsible duties and to the exercise of the great powers committed to him; and that we feel called upon to meet him in a like spirit and hereby to express to him our purpose to throw no obstacle in the path of his official duties, but that in all that tends to a genuine desire for the restoration of the Union under the Constitution . . we pledge ourselves to a most earnest and cordial co-operation. . .

We recommend to all who are qualified to register and vote under the provision of the law, to do so as early as convenient after the opportunity is offered for that purpose, and to scrupulously abstain from any act which might be construed into a disposition to hinder or disturb any other person in the discharge of any duty or the exercise of any privilege conferred by law. . .

We find nothing in the changed political condition of the white and black races in the South that ought to disturb the harmonious relations between them: that we are ready to accord to the latter every right and privilege to which they are entitled under the laws of the land; that we sincerely desire their prosperity and their improvement in all the moral and intellectual qualities that are necessary to make them useful members of society; that we are their friends, both from gratitude for their fidelity in the past — in war as well as in peace — and because our interests in the future are inseparably connected with their well-being.

Justice to the Blacks

South Atlantic, March, 1878. From a public address by Gen. Wade Hampton. Represents the sentiments of his class. [August 7, 1867]

As it is of the last consequence to maintain the same amicable relations which have heretofore existed between the whites and the blacks, I cannot too strongly reiterate my counsel that all classes should cultivate harmony and exercise forbearance. Let our people remember that the negroes have . . behaved admirably, and that they are in no manner responsible for the present condition of affairs. Should they, in the future, be misled by wicked or designing men, let us consider how ignorant they necessarily are, and let us, only the more, try to convince them that we are their best friends. Deal with them with perfect justice, and thus show that you wish to promote their advancement and enlightenment. Do this, and the negroes will not only learn to trust you, but they will appreciate the fact, so evident to us, that we can do without them far better than they can do without us. On a late public occasion . . I expressed my perfect willingness to see impartial suffrage established at the *South*, and I believe that this opinion is entertained, not only by a large majority of the intelligent and reflecting whites, but also of this same class among the blacks. The Supreme Court has decided that a negro is not a citizen of the United States, and Congress cannot reverse that decision by an act. The states, however, are competent to confer citizenship on the negro, and I think it is the part of wisdom that such action be taken by the Southern States. We have recognized the freedom of the blacks and have placed this fact beyond all possibility of a doubt, denial or recall. Let us recognize in the same frank manner, and as fully, their political rights also.

A Negro's Speech

Montgomery *Mail*, April 21, 1867. Delivered at a meeting of whites and blacks in Mobile. This was before the whites gave up the attempt to divide the negro vote. [April 19, 1867]

I RECEIVED an invitation from the white citizens of Mobile to speak for the purpose of reconciling our races, . . to extend

the hand of fellowship. . . I believe [they] are sincere in what they promise. . . Let us remove the past from our bosoms, and reconcile ourselves and positions together. I am certain that my race cannot be satisfied unless granted all the rights allowed by the law and by that flag. The resolutions read to you to-night guarantee every thing. Can you expect any more? If you do, I would like to know where you are going to get it. I am delighted in placing myself on this platform, and in doing this I am doing my duty to my God and my country. We want to do what is right. We believe white men will also do what is right.

Beginning of Opposition

Annual Cyclopedia, 1867, p. 28. Platform promulgated by the first political convention held in Alabama after the Civil War. Though composed mainly of former Whigs the convention organized what is now the Democratic party in Alabama. [1867]

THE Conservative men of the State of Alabama . . adopt, as an expression of their views, the following resolutions of the Conservative men of the State of Pennsylvania, adopted at a recent convention in that State:

1. The Constitution of the United States . . is binding upon every inhabitant of all ranks, sexes, colors, ages, and conditions, and it is the duty of each and every one, without exception, or modification under any circumstances, to adhere to, protect, and defend the same.

2. In all conflict of powers under that instrument the supreme judiciary power is the only arbiter. . .

3. The Union of the States is decided by the war and accepted by the Southern people to be perpetual. . .

4. Congress is not the Federal Government, nor is the President, nor the Supreme Court. The Federal Government is that frame of civil polity established by the Constitution, consisting of all three, each supreme in his own limits, and each entitled, equally with the others, to the loyal obedience of every inhabitant of all the States.

5. By the Constitution and under the fundamental law of the Federal Government . . and of which Congress itself is

the creature, representation in Congress and the electoral colleges is a right, fundamental and indestructible in its nature, and abiding in every State; being a duty as well as right pertaining to the people of every State, and the denial of which is the destruction of the Federal Government.

The Conservative men of Alabama adopt, as a further expression of their opinions and purposes, the following:

6. Each State under the Constitution has the exclusive right to prescribe the qualifications of its own electors.

7. . . It is our earnest aim and purpose to cultivate relations of friendship, harmony, and peace between the two races — to deal justly with the blacks — to instruct and aid in instructing them in a proper understanding of all their duties to themselves, to society, and to the country — and we denounce as treacherous and base all attempt by bad men to engender or encourage antagonism between the two races.

8. . . We are inhabitants of a common country, sharers and sufferers of a common destiny — and we will do all in our power to instruct and elevate the colored race in its moral, social and political responsibilities.

9. . . While we have much charity for the colored man, and feel inclined to look indulgently and tolerantly on his prejudices of race, inculcated and encouraged as they have been by recent events, and by insidious counsel of bad men, we appeal to him by the common interests of a common country, to place his trust in those he knows to be honorable, and to deal cautiously with strangers who bear no evidence that they were honored where they are better known.

Opposition of the Whites in Arkansas

J. M. Harrell, *The Brooks and Baxter War*, p. 37. Advice of white leaders. [1867]

AFTER a most careful and thorough consideration of the *Reconstruction Act* itself, with all the reasons for and against which we have heard or read, we regard reconstruction under that act as an impossibility. Some sort of restoration may be had under it, but a reconstruction such as will give our people

equal rights with others, and such as will secure to our State and her citizens full constitutional rights, cannot be had under that measure. Any reconstruction short of this would be a cruel mockery, and would result, in the end, in the certain degradation, prostration and complete ruin of the State. As harsh and severe and as odious as military rule may be, we prefer it infinitely to what must, of necessity, follow from any kind of *restoration* or *reconstruction* under that act.

Therefore, a convention to bring about *such* a reconstruction, as this bill contemplates, is to be avoided as the worst of evils. *And if the convention is not needed to effect national restoration,* or national integrity, certainly it is not necessary for any merely local purposes. This is more particularly true when in its proceedings hundreds and thousands of our citizens are not permitted to even have a voice, but are altogether excluded, . . disfranchised, and branded as traitors and felons.

We regard it, then, as a sacred duty on the part of those who claim this as *their home, and who feel for the pride, honor, and prosperity of the State,* to go to the polls and vote *against a convention,* and at the same time to vote for *cautious, prudent, wise, conservative* delegates, so that if a convention should be held, its proceedings will be controlled and directed with an assurance that the State will not be given up to destruction.

"Virtue and Intelligence under Foot"

J. S. Reynolds, *Reconstruction in South Carolina,* p. 75. Protest of convention of whites. Used by permission of Mr. Reynolds. [September 21, 1867]

We desire peace for its own sake, for its holy Christian influence, and for the civilization and refinement which spring up in its path. Do the Reconstruction acts of Congress propose to give us this peace? No — they give us war and anarchy, rather. They sow the seeds of discord in our midst and place the best interests of society in the hands of an ignorant mob. They disfranchise the white citizen and enfranchise the newly emancipated slave. The slave of yesterday, who knew no law but the will of the master, is today about to be invested with the control of the government. In all popular governments

the two great sources of power may be traced, (1) to the exercise of the ballot, (2) to the franchise of the jury box. Invest any people with these two great powers, and they have at once the government of the country in their hands. By the Reconstruction acts of Congress these powers are conferred upon the negro — he can make and unmake the Constitution and the laws which he will administer according to the dictates of another or his own caprice.

We are not unfriendly to the negro. . . In his property, in his life and in his person we are willing that the black man and the white man shall stand together upon the same platform and be shielded by the same equal laws. We venture the opinion that the people of South Carolina are prepared to adopt as their own the Constitution of any New England or other Northern State, wherein it is supposed that the civil rights of the negro are more fully and amply secured. But upon a question involving such great and momentous issues we should be untrue to ourselves and unfair to our opponents were we to withhold the frank and full expression of our opinions. We, therefore, feeling the responsibility of the subject and the occasion, enter our most solemn protest against the policy of investing the negro with political rights. The black man is what God and nature and circumstances have made him. That he is not fit to be invested with these important rights may be no fault of his. But the fact is patent to all that the negro is utterly unfitted to exercise the highest functions of the citizen. The government of the country should not be permitted to pass from the hands of the white man into the hands of the negro. The enforcement of the Reconstruction acts by military power under the guise of negro voters and negro conventions cannot lawfully reëstablish civil government in South Carolina. It may for a time hold us in subjection to a quasi-civil government backed by military force, but it can do no more. As citizens of the United States we should not consent to live under negro supremacy, nor should we acquiesce in negro equality. Not for ourselves only, but on behalf of the Anglo-Saxon race and blood in this country, do we protest against this subversion of the

great social law, whereby an ignorant and depraved race is placed in power and influence above the virtuous, the educated and the refined. By these acts of Congress intelligence and virtue are put under foot, while ignorance and vice are lifted into power.

A Southern Radical Platform

Annual Cyclopedia, 1867, p. 460. A Radical party consisting mainly of Northern whites and negroes was organized in each Southern state after the passage of the Reconstruction acts. [1867]

We advocate and will enforce perfect equality under the law of all men, without distinction of race or color; indorse the acts of the Thirty-ninth and Fortieth Congresses; will reconstruct Louisiana upon the Congressional basis, and send to Congress only true and loyal men. Nominations for office to be made only of those who will enforce perfect equality and the right to hold office, irrespective of race or color. We will insist on perfect equality, without distinction of race or color, in the right to vote and enter the jury-box, without any educational or property qualifications being required; also on the right to practice all professions, to buy, sell, travel, and be entertained, and to enter into any and all civil contracts. . . We will also advocate immigration, and division of lands of the State, as far as practicable, into small farms, in order that the masses of our people may be enabled to become landholders. We will advocate the repeal of the cotton tax by Congress. . . We will advocate equality in schools. . . We will insist on a thorough revision of the laws of Louisiana, that they may guarantee equal justice to black and white alike. . .

The platform further condemns Johnson's amnesty proclamation, believing the disfranchisement of rebels to be the highest duty of the General Government; favors the maintenance of an adequate military force in Louisiana to see the laws enforced, and life and property protected; declares that no man is to be supported for office who will not boldly and openly pledge himself to make equal distribution among white and colored alike of all offices to which he may have the power of appointment. As the newly enfranchised citizens constitute a majority of the

party, at least one-half of the nominations for elective offices shall be taken from that class, no distinction to be made whether nominees or appointees were born free or not, provided they are loyal, capable, and honest. The party will always discountenance any attempt on the part of any race or class to assume practical control of any branch of the government to the exclusion of any other race or class.

3. THE USE OF THE ARMY IN RECONSTRUCTION

The Army Takes Control

War Department Archives. G. O. no. 1, 2nd Military District, (North Carolina and South Carolina). Gen. D. E. Sickles in command. [March 21, 1867]

2. In the execution of the duty of the commanding general to maintain the security of the inhabitants in their persons and property, to suppress insurrection, disorder and violence, and to punish or cause to be punished all disturbers of the public peace and criminals, the local civil tribunals will be permitted to take jurisdiction of and try offenders, excepting only such cases as may by the order of the commanding general be referred to a commission or other military tribunal for trial.

3. The civil government now existing in North Carolina and South Carolina is provisional only, and in all respects subject to the paramount authority of the United States, at any time to abolish, modify, control, or supersede the same. Local laws and municipal regulations not inconsistent with the Constitution and laws of the United States, or the proclamations of the President, or with such regulations as are or may be prescribed in the orders of the commanding general, are hereby declared to be in force; and, in conformity therewith civil officers are hereby authorized to continue the exercise of their proper functions, and will be respected and obeyed by the inhabitants.

4. Whenever any civil officer, magistrate, or court neglects or refuses to perform an official act properly required of such tribunal or officer, whereby due and rightful security to person or property shall be denied, the case will be reported by the post commander to these headquarters.

5. Post commanders will cause to be arrested persons charged with the commission of crimes and offenses, when the civil authorities fail to arrest and bring such offenders to trial, and will hold the accused in custody for trial by military commission, provost court, or other tribunal organized pursuant to orders from these headquarters. . .

6. The commanding general, desiring to preserve tranquility and order, by means and agencies most congenial to the people, solicits the zealous and cordial coöperation of civil officers in the discharge of their duties, and the aid of all good citizens in preventing conduct tending to disturb the peace; and to the end that occasion may seldom arise for the exercise of military authorities in matters of ordinary civil administration, the commanding general respectfully and earnestly commends to the people and authorities of North and South Carolina unreserved obedience to the authority now established, and the diligent, considerate, and impartial execution of the laws enacted by their government.

Status of State Officials

War Department Archives. G. O. no. 1, 3d Military District, (Georgia, Florida, Alabama). Gen. John Pope in command. [April 1, 1867]

I. The civil officers at present in office in Georgia, Florida, and Alabama, will retain their offices until the expiration of their terms of service . . so long as justice is impartially and faithfully administered. . .

II. It is to be clearly understood, however, that the civil officers thus retained in office shall confine themselves strictly to the performance of their official duties, and whilst holding their office they shall not use any influence whatever to deter or dissuade the people from taking an active part in reconstructing their State governments, under the act of Congress to provide for the more efficient government of the rebel States, and the act supplementary thereto. . .

IV. No elections will be held in any of the States comprised in this military district, except such as provided for in the act of Congress, and in the manner therein established; but all vacancies in civil offices which now exist, or which may occur by expiration of the term of office of the present incumbents, before the prescribed registration of voters is completed, will be filled by appointment of the General commanding the district.

Registrars and Registration Districts

War Department Archives. G. O. no. 5, 3d Military District. [April 8, 1867]

II. In order to execute [the Act of March 2, 1867] with as little delay as possible, the commanding officers of the districts of Alabama, Georgia, and Florida, will proceed immediately to divide those States into convenient districts for registration, aided by such information as they may have or can obtain. It is suggested that the election districts in each State which in 1860 sent a member to the most numerous branch of the State Legislature, will be found a convenient division for registration.

It is desirable that in all cases the registers shall be civilians, where it is possible to obtain such as come within the provisions of the act, and are otherwise suitable persons; and that military officers shall not be used for this purpose except in case of actual necessity. The compensation for registers will be fixed hereafter, but the general rule will be observed of graduating the compensation by the number of recorded voters. To each list of voters shall be appended the oath of the register that the names have been faithfully recorded, and represent actual legal voters, and that the same man does not appear under different names. The registers are specifically instructed to see that all information concerning their political rights is given to all persons entitled to vote under the act of Congress; and they are made responsible that every such legal voter has the opportunity to record his name. . .

IV. The district commanders in each of the States comprised in this military district are authorized to appoint one or more general supervisors of registration, whose business it shall be to visit the various points where registration is being carried on; to inspect the operations of the registers; and to assure themselves that every man entitled to vote has the necessary information concerning his political rights, and the opportunity to record his name.

V. A general inspector, either an officer of the Army or a civilian, will be appointed at these headquarters, to see that the provisions of this order are fully and carefully executed. . .

VII. The commanding officer of each district will give public notice when and where the registers will commence the registration, which notice will be kept public by the registers in each district during the whole time occupied by registration.

VIII. Interference by violence, or threats of violence, or other oppressive means to prevent the registration of any voter, is positively prohibited, and any person guilty of such interference shall be arrested and tried by the military authorities.

Enrolling the New Electorate

War Department Archives. G. O. no. 20, 3d Military District. [May 21, 1867]

In accordance with [the act of March 23, 1867].

I. The States of Georgia and Alabama are divided into registration districts, and numbered and bounded as hereinafter described.

II. A Board of Registration is herein appointed for each district . . to consist of two white registrars and one colored registrar. In the State of Georgia, where only the two white registrars are designated in this order, it is directed that these white registrars in each district immediately select, and cause to be duly qualified . . a competent colored man to complete the Board of Registration. . .

III. Each registrar will be required to take and subscribe the ["iron clad" oath] . . and an additional oath to discharge faithfully the duty of registrar under the late acts of Congress. It is not believed that any of the appointees hereinafter designated will be unable to take the test oath mentioned. Blank forms of these oaths will be sent to the appointees at once, and on being executed and returned to the superintendents of State registration, their commissions as registrars will be issued and forwarded to them immediately.

IV. In order to secure a full registration of voters, it is determined to fix the compensation of registrars according to the general rule adopted in taking the census. In the cities, the compensation is fixed at fifteen cents for each recorded voter; in

the most sparsely settled counties and districts, at forty cents per voter. The compensation will be graduated between these limits according to the density of the population, and the facilities of communication. Ten cents per mile will be allowed for the transportation of registrars off the lines of railroads and steamboats.

V. It is hereby made the duty of all registrars, and they will be expected to perform it strictly, to explain to all persons, who have heretofore not enjoyed the right of suffrage, what are their political rights and privileges, and the necessity of exercising them upon all proper occasions.

VI. The name of each voter shall appear in the list of voters for the precinct or ward in which he resides; and in cases where voters have been unable to register, whilst the Board were in the wards or precincts, where such voter lives, opportunity will be given to register at the county seats of their respective counties, at a specified time, of which due notice will be given; but the names of all voters thus registered, will be placed on the list of voters of their respective precincts.

VII. The Board of Registration will give due notice, so that it may reach persons entitled to register, of the date they will be in each election precinct, the time they will spend in it, and the place where the registration will be made; and upon the completion of the registration for each county, the Board of Registration will give notice that they will be present for three successive days, at the county seat of such county, to register such voters as have failed to register, or been prevented from registering in their precincts, and to hear evidence in the cases of voters rejected by the registrars in the several precincts, who may desire to present testimony in their own behalf. . .

IX. The lists of registered voters, for each of the precincts, will be exposed in some public place in that precinct, for ten consecutive days, at some time subsequent to the completion of the registration for each county, and before any election is held, in order that all supposed cases of fraudulent registration may be thoroughly investigated. Due notice will be given

and provisions made for the time and place for the examination and settlement of such cases. . .

XII. Violence or threats of violence, or any other oppressive means to prevent any person from registering his name, or exercising his political rights, are positively prohibited, and it is distinctly announced that no contract or agreement with laborers, which deprive them of their wages for any longer time than actually consumed in registering or voting will be permitted to be enforced against them in this district; and this offence, or any previously mentioned in this paragraph, will cause the immediate arrest of the offender and his trial before a military commission.

XIII. The exercise of the right of every duly authorized voter, under the late acts of Congress, to register and vote, is guaranteed by the military authorities of this district; and all persons whomsoever are warned against any attempt to interfere to prevent any man from exercising this right, under any pretext whatever, other than objection by the usual legal mode.

XIV. In case of any disturbance or violence at the place of registration, or any molestation of registrars or of applicants to register, the Board of Registration will call upon the local civil authorities for a police force, or a posse, to arrest the offender and preserve quiet, or, if necessary, upon the nearest military authorities, who are hereby instructed to furnish the necessary aid. Any civil officials who refuse, or who fail to protect registrars or applicants to register, will be reported to the headquarters of the officer commanding in the State, who will arrest such delinquents, and send charges against them to these headquarters, that they may be brought before a military commission. [Here follows a list of names of registrars for the two States].

Persons Disfranchised

War Department Archives. Memoranda published by the commander of the Fifth Military District (Louisiana and Texas). [1867]

1. Every person who has acted as United States Senator or Representative.

2. All who have acted as electors of President or Vice President.

3. Every person who held any position in the Army or Navy of the United States.

4. All persons who held any position under the United States, in which they were required to take an oath before they entered upon the duties of office; such as officers in the custom-house, post-office, mint, judges, and all officers of the United States court, United States marshals, and deputies.

5. All who have been Governor of the State, State senator or representative, Secretary of State, treasurer, and all officers provided for in the constitution of the State, made in 1845 and 1852, including judges of courts, justices of peace, clerks of courts and deputies, sheriffs and deputies, constable and deputies, tax-collectors, assessors, coroners, police, jurors, auctioneers, pilots, harbor-masters, recorders of conveyance and mortgages, parish recorders, notaries public, and all commissioned officers in the State militia. Every person who has acted as mayor of the City, treasurer, comptroller, recorder, alderman, assessor, tax collector, administrator of the Charity Hospital, a member of the Board of Health, a commissioner of elections and his clerks, chief of police, lieutenant of police, and all who have served on the police force. Wardens, and under-wardens of the parish prison and work house, board of school-directors, city surgeons and deputies, street commissioner and deputies, city attorney and assistant attorney, superintendent of public schools, inspectors of tobacco, flour, beef, and pork, and weights and measures, managers of the asylums for the deaf and dumb and blind, and sextons of cemeteries.

All who in 1862 and 1864 registered themselves as aliens, or who obtained protection papers from the representatives of foreign powers.

Any person who, at any time, held any of the above offices, and who afterward engaged in rebellion against the United States, or gave aid and comfort to the enemies thereof, is disqualified from voting.

Questions to be Answered by Persons Proposing to Register

1. Have you been United States Senator, Representative, or elector of President or Vice President, at any time before January 26, 1861?

2. Did you hold any office under the United States Government of any kind whatsoever, before January 26, 1861?

3. Did you hold any office under the government of this State of any kind whatsoever, to which you were elected or appointed, prior to January 26, 1861?

4. Did you hold any office under the city government, of any kind whatsoever, to which you were elected or appointed prior to January 26, 1861?

5. Did you in 1862 or in 1864 register yourself as an alien, or did you obtain protection papers from representatives of any foreign power?

In case any of the preceding questions are answered "Yes," or should you know they should be so answered, it would be proper to ask the following:

6. Were you in the Confederate service, military, naval, or civil, or did you give aid and comfort to those engaged in hostility to the United States?

If answered, "Yes," or if you know it to be so, they must not be registered.

Interference with the Civil Government

War Department Archives, G. O. no. 32, 2d Military District. [May 30, 1867]

1. Any citizen, a qualified voter, according to the [Acts of March 2 and March 23, 1867] is eligible to office in the provisional government of North and South Carolina. All persons appointed to office will be required to take the oath prescribed by the act aforesaid, and to file the same, duly subscribed and sworn to, with the post commander.

2. All citizens assessed for taxes, and who shall have paid taxes for the current year, are qualified to serve as jurors. It shall be the duty of the proper civil officers, charged with providing lists of jurors, to proceed, within their several jurisdictions, without delay, and ascertain the names of all qualified

persons and place them on the jury lists, and from such revised lists all jurors shall be hereafter summoned and drawn in the manner required by law.

3. All citizens are eligible to follow any licensed calling, employment, or vocation, subject to such impartial regulations as may be prescribed by municipal or other competent authority, not inconsistent with common rights and the Constitution and laws of the United States. .

4. The mayors of cities, and other municipal town officers, and all sheriffs, magistrates, and police officers are required to be vigilant in maintaining order, and in the discharge of their duties they will be expected to coöperate with the military authorities.

5. Post commanders may summon to their aid, whenever the ordinary means at their disposal shall not be sufficient to execute their orders, such of the civil officers and as many of the citizens within the territorial limits of the military post as may be necessary; and the neglect or refusal of any person to aid and assist in the execution of the order of the commanding officer will be deemed a misdemeanor, punishable by such fine or imprisonment as may be imposed by a military tribunal, approved by the commanding general.

6. No license for the sale of intoxicating liquors in quantities less than one gallon, or to be drunk on the premises, shall be granted to any person other than an inn-keeper. The number of such licenses shall be determined, and the fees to be charged for each license shall be prescribed and collected, by the municipal or town authorities, and appropriated exclusively for the benefit of the poor. If any person shall be found drunk on the premises where liquor is sold, the licenses may be revoked by any magistrate. .

7. All contracts hereafter made for the manufacture, sale, transportation, storage, or insurance of intoxicating liquors shall, within this military district, be deemed and treated as against public policy; and no civil suit, action, or proceeding for the enforcement of any such contract shall be entertained in any court.

8. In public conveyances on railroads, highways, streets, or navigable waters no discrimination because of color or caste shall be made, and the common rights of all citizens thereon shall be recognized and protected. The violation of this regulation shall be deemed a misdemeanor, and render the offender liable to arrest and trial by a military tribunal, to be designated by the commanding general, besides such damages as the injured party may sue for and recover in the civil courts.

9. Remedy by distress for rent is abolished where lands are leased or let out for hire or rent. Cotton, corn, or other produce of the sale, when severed from the land, may be impounded, but the same shall not be removed; and cotton, corn, or other produce so impounded shall be held as security for the rent or hire so claimed, and may be sold in satisfaction for any judgment for the same: *provided*, that any unsatisfied claim for labor bestowed upon the cultivation of any such cotton, corn, or other produce shall in no case be postponed to any demand for rent or hire but to the extent of such claim for labor, so there shall be a lien on such cotton, corn, or other produce, having preference for any claim for rent or hire.

Regulation of Local Government

War Department Archives, G. O. no. 25, 3d Military District. [May 29, 1867]

I. The late disgraceful riot at Mobile, due mainly to want of efficiency or inclination on the part of the mayor and chief of police to perform their obvious duty, seems to render it necessary that the military authorities of this district should explain to all such officials the position they occupy under the laws of the United States, and the manner in which they will be expected to discharge their trusts.

II. . . The final responsibility for peace and security in the several States in this military district rests . . with the military authorities, and in case the civil provisional officers in any part of it prove unable or unwilling to protect the people, it will become necessary for the military power either to supersede them by military officers or by other civil officers. . .

IV. In cities or towns having municipal government, the mayor and chief of police, or other civil officers possessing their authority . . are required to be present at every public political meeting or assemblage which occurs within the limits of their jurisdiction, with such police force and arrangements as will render disturbance or riots impracticable. It will be no excuse to say that such civil authorities did not know of the meeting, or did not apprehend disturbance. It is easy by municipal regulation to require that sufficient notice of any such meeting be given to the mayor or other proper authority to enable him to prepare for the suppression of disturbance; and it is proper in the present excited state of the public mind to make such arrangements as are necessary for the preservation of peace at all public political meetings, even if there be really no danger of disturbance. . .

V. At all public meetings or assemblages held outside of town or city corporations, the sheriff of the county or his deputy or a deputy specially appointed for the occasion, will be present, and will, in case of need, organize a posse from the people on the ground, which he will hold separate from the body of the assemblage, to interpose, if necessary, to preserve the peace; but in selecting persons to serve as a temporary police force or posse, they are instructed not to summon any of the officers or public speakers of the assemblage. Sheriffs, or their deputies, are empowered to exact service from all thus summoned as a posse, and to require that due notice shall be given to the sheriffs themselves of any public political meetings or assemblages which may be called in their respective counties, in time to make the arrangements herein indicated. .

VII. In case of any riot or disturbance, if it cannot be clearly shown that the civil officers above indicated were present, and actively and faithfully performed their duties, both by word and deed, such officers will be deposed from their offices and otherwise held responsible by the military authorities. . .

VIII. All commanders of troops in this district are also instructed to render the above-mentioned civil officers, on their

application, whatever military aid may be needed, and the military commanders are directed to send a judicious and careful officer to be present at such political meetings herein referred to as may occur within the limits of their jurisdiction. Every officer thus detailed, while not interfering with the civil officers in the performance of their duties, will stand ready to interpose, and, if necessary, to bring such military force to the spot, as the necessity of the case may demand.

IX. Post and detachment commanders within this district are directed to keep themselves advised of all public political meetings which take place within the limits of their jurisdiction, and during such meetings to hold themselves and their commands in readiness for immediate action at the call of the officer whom they are directed in a previous paragraph of this order to send to such meeting. Commanding officers are informed that they will be held to their full share of responsibility for any want of precautionary measures or prompt action to prevent riots, or to arrest disturbers of peace.

Military Police and Courts

War Department Archives, G. O. no. 31, 1st Military District. (Virginia). Gen. J. M. Schofield in command. [May 28, 1867]

1. For the purpose of giving adequate protection to all persons in their rights of person and property in cases where the civil authorities may fail, from whatever cause to give such protection, and to insure the prompt suppression of insurrection, disorder, and violence, military commissioners, to be selected from the officers of the army and of the Freedmen's Bureau, will be appointed and given jurisdiction over sub-districts, to be defined in the orders appointing them, with sufficient military force to execute or secure the execution of their orders.

2. For the purpose of suppressing insurrection, disorder or violence, the military commissioners are given command of the police of cities and the power of counties, in addition to the troops that may be placed at their disposal; and all police officers, sheriffs, constables, and other persons are required in such cases to obey and execute the orders of the military commissioners.

3. For the purpose of protecting individuals in their rights of person and property, and of bringing offenders to justice, the military commissioners are clothed with all the powers of justices of a county, or police magistrates of a city, and will be governed in the discharge of their duties by the laws of Virginia, so far as the same are not in conflict with the laws of the Unite States or orders issued from these headquarters.

4. The military commissioners will make a prompt report to these headquarters of each case of which they may take jurisdiction, and of the disposition made of such case. Where parties are held for trial, either in confinement or under bail, such full statement will be made of the facts in each case as will enable the commanding general to decide whether the case shall be tried by a military commission or be brought before a civil court.

5. Trial by the civil courts will be preferred in all cases where there is satisfactory reason to believe that justice will be done. But until the orders of the commanding general are made known in any case, the paramount jurisdiction assumed by the military commissioners will be exclusive.

6. All persons, civil officers and others, are required to obey and execute the lawful orders of the military commissioners to the same extent as they are required by law to obey and execute writs issued by civil magistrates. Any person who shall disobey or resist the lawful orders or authority of a military commissioner shall be tried by a military commission, and upon conviction shall be punished by fine and imprisonment, according to the nature and degree of the offense.

General Grant versus the Attorney General

Annual Cyclopedia, 1867, p. 51. General Grant to General E. O. C. Ord, Fifth District (Arkansas and Mississippi). Grant's letter was written after the instructions of June 20, drawn up by the attorney general, had been sent to the commanders. Grant was passing over into the radical camp. [June 28, 1867]

GENERAL: A copy of your final instructions to the Board of Registration, of June 10, 1867, is just received. I entirely dissent from the views contained in paragraph four. Your views as to the duties of registrars to register every man who

will take the required oath, though they may know the applicant perjures himself, is sustained by the views of the attorney-general. My opinion is that it is the duty of the Board of Registration to see, as far as it lies in their power, that no unauthorized person is allowed to register. To secure this end registrars should be allowed to administer oaths and examine witnesses. The law, however, makes district commanders their own interpreters of their power and duty under it.

Freedom of the Press Limited

Annual Cyclopedia, 1867, p. 758. General Schofield's directions to the editor of the Richmond *Times*. In each state newspapers were suppressed. [April 27, 1867]

SIR: The commanding general directs me to call your attention to an editorial article in the Richmond *Times* of this morning, headed, "A Black Man's Party in Virginia," and to say that while he desires not only to permit, but to encourage the utmost freedom of discussion of political questions, the character of the article referred to calls for severe censure. Especially the following words, "It is a proposition which implies that they are ready to grasp the blood stained hands of the authors of our ruin," are an intolerable insult to our soldiers of the United States Army, and no less so to all true soldiers of the late Confederate army, as they have long since extended to each other the cordial hand of friendship, and pledged their united efforts to restore peace and harmony to our whole country. The efforts of your paper to foster enmity, create disorder, and lead to violence, can no longer be tolerated. It is hoped this warning will be sufficient.

Forcing "Patriotism"

Annual Cyclopedia, 1867, p. 693. Gen. D. E. Sickles, Second District, to Gen. H. B. Clitz, commanding Charleston, South Carolina. [1867]

IT is reported to me this morning that among the various emblems borne by the several [fire] companies at the rendezvous on the citadel parade-ground the flag is not there. I desire that

you will at once send for the Chief of the Fire Department, and inform him that the national standard must be borne in front of the column; that an escort of honor, to consist of two members of each company present, will be detailed by himself to march with the colors; that the colors be placed opposite the reviewing personages on the ground designated for the review, and that every person in the column shall salute the colors by lifting his hat or cap on arriving at a point three paces distant from the colors, and, carrying the cap uplifted, march past the colors to a point three paces from the same.

The Mayor of the city, the Chief of the Fire Department, and the foreman of companies will be held responsible for the observance of this order, and they are hereby authorized and required to arrest any person who disobeys it.

General Sheridan in New Orleans

Johnson MSS. Report of Ethan A. Allen to President Johnson. [April 9, 1867]

I HAVE been here for several days and mixed much with the people and find the most perfect good will and feeling existing toward the Federal Government. There is not the slightest desire on their part to oppose the power of your Administration. The only turbulent Spirits to be found here are *Northern men* who really appear to be in the interest of the radical element in the *Eastern States*; their whole aim and ambition is to ferment trouble and they are ready at any time to get up any excitement which may be damaging to the harmonious working of the Government, and make some political capital for that party in the North to the injury of the South. . .

The removal from Office of Major Monroe here, and substitution of Heath by General Sheridan, of Lynch for Atty. Genl. in place of Herron and Howe [Horne?] for Judge of the Criminal Court in place of Abel is truly unfortunate. Judge Abel has *ever* been a *strong and uncompromising* Union man — his devotion to the Union has never faultered — he stood up manfully throughout the War for the Union, and nothing but the Union at the risk of his life during the fearful struggle

through which our Country has so recently passed—he is a man of fine character and much respected and liked by the people. His removal is certainly a *poor recompense* for his unfaultering love of Country. Heath was one of Butler's *dirty* spies when that General Commanded here. In fact, Mr. President, not a single one of the three appointments made by General Sheridan are at all creditable — they are men of *no* status in this Community — they are not or have they *ever* commanded the least respect — they are *Strangers* whose feelings are not all identified with the interests of this City or the concilliation of the people. There are many, many good and true, respectable, and responsible men in New Orleans who could have been appointed by Genl. S. who would have been perfectly satisfactory to Citizens. Then why irritate and insult New Orleans by giving such appointments to *Imported* Yankees. Sheridan is becoming more and more unpopular with the people here; every day still do, and still will they submit to the Government.

Military Misrule in Alabama

MS. account, by Mrs. T. L. Kennedy. The incident here described occurred near Greensboro, Alabama. [1867]

THE negro population was very dense and Military Posts were established at intervals of 20 or 30 miles. There was one at Greensboro, Ala., and the negroes grew, under its influence, impudent beyond endurance. One day a young man, Mr. Tom Cowan, resented an insolent remark made to him by a negro passing on the street. Immediately, a Yankee officer stepped up to Mr. Cowan and slapped him in the face. The young man drew his pistol and killed the officer and . . hid in a little, dark closet. . . In less than 30 minutes the street was filled with a black, surging mass of howling negroes, led by the Yankee soldiers, searching for the young man. Two of his friends, by the dim light of a candle in that . . closet, shaved off his mustache, disguised him completely, and placing him between them, boldly walked out into the mob, and un-recognized went the whole length of the town to a strip of woods, where young Cowan made his escape. The infuriated negroes

soon discovered this and in retaliation they entered every white man's house and seized every gun and pistol thus placing the whites at their mercy. They also went to young Cowan's home — dragged his younger brother forth and declared their intention to keep him as a hostage and . . to hang him if his brother did not return. . . In view of the whole town, a tall gallows was erected for the execution of this innocent young boy. The deepest gloom and despair settled down over the whole community. . . By chance, some one remembered having heard that General Marsh, who was stationed at a Post about 15 miles off, was a *Mason*. The news soon spread and the "Masons" of the town dispatched to this officer, and of course, we do not know by what means it was arranged, but if the sum of $9,000 was paid, the boy would be set free. You can form no idea of the poverty of our people after the War, but there were some who had little hoards hid away. . . The sum exacted was raised and sent as quickly as possible. It was never known for what purpose it was demanded, unless it was used to buy off the Federal officers and soldiers. This transaction was not generally known and promptly at the hour appointed, the negro mob placed a halter around the young victim's neck — and dragged him through the streets to the fatal place. A more pathetic spectacle was never witnessed than that of the grey-haired father, walking by his son, exhorting him "To die like a man." Just as the lad was ascending the scaffold, the reprieve arrived, in the shape of an order from General Marsh forbidding the execution.

Military "Justice"

Ku Klux Report, p. 446. Letter of F. S. Lyon to F. P. Blair (1871). Lyon was a prominent banker and had served in the Confederate Congress. [1867-1868]

WHILE on the subject of military government among us, allow me to state to you a few cases not calculated to inspire our people with affection for their rulers. At Eutaw, in the adjoining county of Greene, [Alabama], a difficulty occurred between two individuals, one a carpet-bagger, the other a citizen, the latter charging the former with stealing his father's

wood. The occurrence took place in the day-time, on a public street in the town. An attack was made by the citizen without any weapon except the fist; a number of persons rushed to the scene and some riotous demonstrations occurred; something was said about riding the assailed party on a rail, but no such thing was done, and no blow struck except by the party who brought on the controversy; no blood was drawn and no material damage done. For this offence some six or seven young men of Eutaw were arrested by military order, carried to the then military post of Selma, confined for a time in the guard-house, tried by court-martial, convicted and sentenced to confinement at hard labor at the Dry Tortugas for periods varying from six to two years. After conviction they were carried in chains and under military guard by way of Jackson Mississippi, New Orleans, and Pensacola, to the place of imprisonment. . . Their friends were not permitted to supply them with pocket money when they left. After the confinement for some time of these young men the public authorities perhaps discovered that the punishment inflicted was excessive and out of all proportion to the offence committed, and remitted the sentence. . . The men were set at liberty at the Dry Tortugas, where no transportation home was to be had except such as belonged to the Government. They were compelled to ship on a credit to a distant port, Galveston, Texas, whence they could appeal to their friends for aid.

Another case of military outrage occurred in the arrest of Mr. Barker, a worthy and industrious carriage-maker of Livingston, in Sumter County. He was arrested in his own house, in the night-time, placed in irons and sent to Selma under a military guard, and confined for a time in the military prison, the officer making the arrest refusing, . . to tell him or his friends the cause of arrest. In a short time he was discharged without a trial, when the fact was made public that he was arrested upon the supposed information of a servant in his employment. The servant, upon being examined, denied utterly having made any report or communication charging Barker with any crime whatever.

Another taste we had of military rule in time of peace grew out of the fact that the Episcopal Church edifice in this town was set on fire in the night time by United States soldiers and destroyed. . . After the burning of the church it was ascertained that a number of articles stolen from it were in the possession of certain soldiers of a regiment stationed here. The fact was communicated to the colonel commanding the regiment, and he was requested to cause the soldiers to be arrested and the facts inquired into. This request was declined by the colonel, for the reason . . that the men were dangerous, and might, if arrested, commit other offenses. While the regiment to which these men belonged was stationed here, it was reported that they threatened, when they left here, to burn the town. To avoid this, a colonel from another regiment came here, took command of it, placed sentinels around the quarters, and marched the men off without their knowledge that they were taking final leave. . . About the same time, the town of Greensborough, in the adjoining county, was fired in several places by United States soldiers with the avowed purpose of destroying the place.

Another specimen of military government occurred in the arrest and robbery of an old gentleman in this neighborhood, Mr. Hatch, who is over seventy years of age. In passing on a public street in this town, I saw a soldier stop Mr. Hatch. . . I enquired of the soldier what charge existed against Mr. Hatch. He said he was not bound to tell me. I asked him to show me his authority to make the arrest. He declined to do this, but said that he was ordered to carry Mr. Hatch to Selma, some fifty miles distant. I called at once at the office of Colonel Bowyer, who commanded here, informed him of the occurrence, and asked him to have the soldier and Mr. Hatch brought before him. . . The soldier stated to the colonel he proposed carrying Mr. Hatch to Selma that day. Mr. Hatch offered to give security for his appearance in Selma next day, as he wished to return home to see his family, some of whom were sick, before going to Selma. The colonel advised the soldier to accede to this, which he did, and upon Mr.

Hatch's arrival in Selma in the evening he was arrested by a guard of soldiers, who proposed to march him off to a dirty guard-house. He was told he could deposit $500 for his appearance next morning. He made the deposit, took a receipt for the same, and appeared next morning. He could hear of no charge against him, was told he might go home, and that to return his $500 required the order of the commanding general, who was absent. . . From that day to this Mr. Hatch has never received his $500.

Completion of Military Reconstruction

War Department Archives, G. O. no. 100, 3d Military District. In each state the officials elected under the Reconstruction acts were appointed in place of the provisional officials and after complying with the conditions of Congress their tenure was declared permanent and the army withdrew. [July 9, 1868]

Whereas, by virtue of the Act of Congress, which became a law June 25, 1868, and of the proclamation of the Governor-elect of the State of Alabama, issued in conformity therewith, the two Houses of the Legislature are directed to assemble at Montgomery on the 13th instant; and

Whereas, in view of the fact that until the State of Alabama has complied with the requirements of the acts of Congress entitling it to representation, all governmental officers in said State are provisional and subject to the direct authority of the district commander; and

Whereas, The usual [method?] of organizing legislative bodies is in this instance impracticable:

It is ordered — 1. That the Hon. William H. Smith, Provisional Governor of the State of Alabama, proceed at 12 M., on the 13th instant, to effect such preliminary organization of both Houses of the Legislature as will enable the same to enter upon the discharge of the duties assigned them by law. 2. That before each House shall be considered legally organized, the Provisional Governor will require that, in conformity with the reconstruction acts and act which became a law June 25, 1868, each House, before proceeding to any business beyond organization, shall take measures to purge itself of all mem-

bers who may be disqualified from holding office under the provisions of Section 3, of the amendment to the Constitution known as Article 14.

Military Districts Discontinued

Annual Cyclopedia, 1868, p. 272. A War Department order. Later when Georgia was expelled, the Third Military District was revived. The First, Third, Fourth, and Fifth, were finally discontinued in 1870 after the readmission of the remaining states. [1868]

THE commanding generals in the Second, Third, Fourth and Fifth Military Districts, having officially reported that Arkansas, North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida have complied with the reconstruction acts, including the act of June 25, 1868, and that consequently so much of the act of March 2, 1867, and all acts supplementary thereto, providing for military districts, subject to the military authority of the United States, as therein provided, have become incorporated in said States, and commanding generals have ceased exercising military powers conferred by said acts; therefore, the following changes will be made in the organization and commands of military districts and geographical departments:

First. The Second and Third military districts having ceased to exist, North Carolina, South Carolina, Georgia, Alabama, and Florida, will constitute the Department of the South, General Meade to command with headquarters at Atlanta, Georgia.

4. IN THE "BLACK AND TAN" CONVENTIONS

The Need for Carpetbaggers

Proceedings of Constitutional Convention of South Carolina, pp. 550, 553, 613. Extracts from speeches made in South Carolina convention by D. H. Chamberlain of Massachusetts, later governor of the state, and Robert De Large, negro. There had been an attempt by the "scalawags" to fix a term of residence as a prerequisite to holding office. This would shut out the "Carpetbaggers." [1868]

[D. H. Chamberlain]. . . There are reasons why men who have not been identified to South Carolina in the past, who have formed their opinions in a different atmosphere, should not only have an equal chance, but be preferred for the most important offices in the gift of the people of the State. . . There may be cases where a man who does not know but little of the State, but who has none of the prejudices against color or race, which is almost universal with the natives of the soil, . . it is an advantage in a candidate that he should not have been born and bred on the soil of South Carolina. . . It is rather to his advantage that he was born where he could not have imbibed the prejudices of South Carolina . . is it not better for us, in the first place, to select for the position of Governor of South Carolina a man who is familiar with the ways of freedom by birth and education . . and, second, . . not to narrow our choice and exclude those familiar with the ways of freedom from having a share in the offices of the State. . .

[Robert De Large]. It is showing . . ingratitude . . to a class of men to whom we are indebted for the privileges we are enjoying as members of this Convention, and to whom we must still continue to look for support. To be a good Governor, there is no doubt that a man should thoroughly understand the people of the State, but he need not possess more than ordinary intelligence to acquire the desired knowledge in a residence of two years. There is a class of men able and brilliant in South Carolina, who have not learned the people of the State, yet they plunged that State in rebellion, and it would take until the judgment day for them to learn the people that we represent. They are a class whom his Satanic majesty

has learned, and they cannot be learned by any other influence. But any man in this State who has been here since the war, especially if a Northern man . . is, in my judgment, sufficiently familiar with the condition of affairs to qualify him, in that respect at least, for the office of Governor. There are some who have travelled the State very extensively, especially those who belonged to Sherman's army, and they possess a degree of familiarity with the people superior to any others.

Correcting the Vocabulary of South Carolina

Proceedings of Constitutional Convention of South Carolina. Resolutions introduced by T. J. Coghlan and adopted by the convention. [1868]

Resolved, That this Convention take such action as it may in its wisdom deem compatible with its powers, and conducive to the public weal, to expunge forever from the vocabulary of South Carolina, the epithets "negro," "nigger," and "Yankee." . .

Resolved, That the exigencies and approved civilization of the times demand that this Convention, or the Legislative body created by it, enact such laws as will make it a penal offence to use the above epithets in the manner described against an American citizen of this State, and to punish the insult by fine or imprisonment.

Lands for the Freedmen

Proceedings of Constitutional Convention of South Carolina, pp. 116, 379, 426. Speeches of F. L. Cardozo, negro; R. H. Cain, white; C. P. Leslie, white. As long as the convention was in session the question of free lands for the negroes kept coming up. [1868]

[F. L. Cardozo]. One of the greatest of slavery bulwarks was the infernal plantation system, one man owning his thousand, another his twenty, another fifty thousand acres of land. This is the only way by which we will break up that system, and I maintain that our freedom will be of no effect if we allow it to continue. What is the main cause of the prosperity of the North. It is because every man has his own farm and is free and independent. Let the lands of the South be similarly divided. I would not say for one moment they should be confiscated, but if sold to maintain the war, now that slavery is destroyed, let the plantation system go with it. We will never have true freedom until we abolish the system of agriculture which existed in the Southern States. It is useless to have any schools while we maintain the stronghold of slavery as the agricultural system of the country.

[R. H. Cain]. I believe the possession of lands and homesteads is one of the best means by which a people is made industrious, honest and advantageous to the State. I believe that it is a fact well known, that over three hundred thousand men, women and children are homeless, landless. . . How are they to live. I know the philosopher of the New York *Tribune* says, "root hog or die;" . . My proposition is simply to give the hog some place to root. . . As long as people are working on shares and contracts, and at the end of the year are in debt, so long will they and the country suffer. . . If these people had homes along the lines of railroads, and the lands were divided and sold in small farms, I will guarantee our railroads will make fifty times as much money, banking systems will be advanced by virtue of the settlement of the people throughout the whole State. We want these large tracts of land cut up. . . What we need is a system of small farms. Every farmer owning his own land will feel he is in possession of something. It will have a tendency to settle the minds of the people in the State and settle many difficulties. In the rural districts now there is a constant discontent, constant misapprehension between the parties, a constant disregard for each other. . . I want these lands purchased by the Government, and the people afforded an opportunity to buy from the Government. I believe if the same amount of money that has been employed by the Bureau in feeding lazy, worthless men and women, had been expended in purchasing lands, we would to-day have no need of the Bureau. . . I propose to let the poor people buy these lands, the government to be paid back in five years time. . .

[C. P. Leslie]. We all know that the colored people want

land. Night and day they think and dream of it. It is their all in all. . . I cannot but denounce those who would, for political purposes, add to their misery by raising expectations that could never be realized. The gentleman from Charleston (R. H. Cain), knew when he offered the resolution and petition he would never get a dollar. Is it right to raise the hopes of these people to have them again dashed to the earth, and made ten fold more miserable? . . I am honest and sincere in my desire to do anything practicable, . . but I will do nothing, even at the risk of my political position or otherwise, that I know will be a snare. Why should we deceive this people? Why allow them to return to their homes and scatter widely through the State that they are going to get a home? Each one tells the other and they tell forty more, and so it goes on causing untold mischief and exciting false hopes among the freedmen. The President, but the other day, directed the attention of the house to a letter received by General Scott, reciting the fact that certain freedmen, who have been working upon a plantation in Berkley district, refused to contract or to do anything until this Convention adjourned, and the owner had to appeal to General Scott to instruct the freedmen, and . . a resolution was passed informing the freedmen that the Convention had no lands at their disposal.

Disfranchising Ex-Confederates in Alabama

Montgomery *Mail*, November 6, 1867. Speeches of E. W. Peck of New York and Tom Lee, Negro, in the Alabama constitutional convention. [November 5, 1867]

[E. W. Peck]. The success and salvation of the Radical party . . depends upon the passage by this convention of the disfranchising clauses of the majority report. I believe the majority report while . . not rigidly . . confined to the letter of the Reconstruction Acts, is framed in the spirit and adheres to their intent and purpose. The great object which ought to govern the action of the convention is to keep the State out of the control of disloyal men. . . The oath protects the colored people of the State effectually against any infringement of the civil and political rights which have been recently

granted, and secures for Alabama perfect civil and political equality. I do not see how a man can conscientiously take that oath if he entertains any intention of depriving the colored people of the equality of the civil and political rights which they now enjoy. . . Most of the men who had entered into the scheme of secession, I believe, have been honest, honorable, Christian men, and if they consented to take this oath they would keep it. . . Under this oath, the Republican party would gain two votes where their enemies would get one. There were many good men who participated in the rebellion, who are now in favor of reconstruction, and would gladly take this oath. The oath does not require this class of men to renounce their belief in the right of secession, but to renounce the right. The question of secession has already been decided by the test of battle, and although some men might still believe in the original right of secession, they are . . if they are sensible and rational, content to abide by the decision arrived at. . . The meaning of the Reconstruction Act is undoubtedly that the State should be reconstructed by loyal men, and no man, who insists not only in the belief, but in the right of secession, ought to be regarded as a loyal man or intrusted with any political powers.

[Tom Lee]. I advocate the adoption of the minority report, because this report grants equal civil and political rights to all men, of every race and every color. This is all that I, as a colored man, can ask for my race. . . I have no desire to take away any rights of the white man; all I want is equal rights in the court-house and equal rights when I go to vote. I think the time has come when charity and moderation should characterize the actions of all. Besides, the minority report is confined strictly to the reconstruction measures of Congress, which measures define the powers and limit the action of this convention. To go beyond these would be to endanger the ratification of the constitution formed by this convention, both by the people and by Congress, and I believe that, if the colored race do not get their rights secured without delay, . . they will never get them.

5. OPPOSITION TO THE NEW CONSTITUTIONS

The New Constitutions

Extracts from the constitutions of Louisiana, Arkansas, and Mississippi. [1868]

Louisiana Constitution, 1868

Art. 2. All persons, without regard to race, color, or previous condition, born or naturalized in the United States, and subject to the jurisdiction thereof, and residents of this State for one year, are citizens of this State. The citizens of this State owe allegiance to the United States; and this allegiance is paramount to that which they owe to the State. They shall enjoy the same civil, political and public rights and privileges, and be subject to the same pains and penalties. . .

Art. 13. All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or of public resort, or for which a license is required by either State, parish, or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

Arkansas Constitution, 1868

Article VII, Sec. 5. All persons before registering or voting must take and subscribe the following oath: "I, ——— ———, do solemnly swear, (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of the State of Arkansas; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men; and, furthermore, that I will not in any way injure, or countenance in others any attempt to injure person or persons, on account of past or present support of the Government of the United States, the laws

of the United States or the principle of the civil and political equality of all men, or for affiliation with any political party.

Mississippi Constitution, 1868

Article VII, Sec. 5. No person shall be eligible to any office of profit or trust, civil or military, in this State, who, as a member of the legislature, voted for the call of the convention that passed the ordinance of secession, or who, as a delegate to any convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel, or encouragement to persons engaged in military hostility to the United States, or who accepted or attempted to exercise any office, civil or military, under any authority or pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto, except all persons who aided reconstruction by voting for this convention, or who have continually advocated the assembling of this convention, and shall continuously and in good faith advocate the acts of the same; but the legislature shall remove such disability: *Provided,* That nothing in this section, except voting for or signing the ordinance of secession, shall be so construed as to exclude from office the private soldier of the late so-called Confederate States Army.

Objections to the New Constitution of South Carolina

J. S. Reynolds, *Reconstruction in South Carolina*, p. 93. Protest submitted to Congress by the whites of South Carolina. [1868]

INTELLIGENCE, virtue, and patriotism are to give place, in all elections, to ignorance, stupidity and vice. The superior race is to be made subservient to the inferior. Taxation and representation are no longer to be united. They who own no property are to levy taxes and make all appropriations. The property-holders have to pay these taxes without having any voice in levying them. The consequences will be, in effect, confiscation. The appropriations to support free schools for the education of the negro children, for the support of old negroes in the poor-houses, and the vicious in jails and penitentiary, together with a standing army of negro soldiers, will

be crushing and utterly ruinous to the State. Every man's property will have to be sold to pay his taxes. . .

That constitution was the work of Northern adventurers, Southern renegades, and ignorant negroes. Not one per cent. of the white population of the State approves it, and not two per cent. of the negroes who voted for its adoption understand what the act of voting implied. The constitution enfranchises every male negro over the age of twenty-one, and disfranchises many of the . . best white men of the State. The negroes being in a large numerical majority as compared with the whites, the effect is that the new constitution establishes in this State negro supremacy, with all its train of countless evils. A superior race . . is put under the rule of an inferior race; the abject slaves of yesterday, the flushed freedmen of to-day. And think you that there can be any just, lasting reconstruction on this basis? The committee respectfully reply, in behalf of their white fellow-citizens, that this cannot be. We do not mean to threaten resistance by arms. But the white people of our State will never quietly submit to negro rule. We may have to pass under the yoke . . but by moral agencies, by political organization, by every peaceful means left us, we will keep up this contest until we have regained the heritage of political control handed down to us by honored ancestry. This is a duty we owe to the land that is ours, to the graves that it contains, and to the race of which you and we are alike members — the proud Caucasian race, whose sovereignty on earth God has ordained, and they themselves have illustrated on the most brilliant pages of the world's history.

Whites Petition aganist Reconstruction

Annual Cyclopedia, 1868, p. 16. After the work of the Constitutional convention the whites of Alabama sent this petition to Congress. [1868]

We are beset by secret oath-bound political societies; our character and conduct are systematically misrepresented and magnified to you and in the newspapers of the North; the intelligent and impartial administration of just laws is obstructed; industry and enterprise are paralyzed by the fears of the white men and the expectations of the black that Alabama will soon be delivered over to the rule of the latter; and many of our best people are, for these reasons, leaving the homes they loved for others in strange lands. Continue over us, if you will do so, your own rule by the sword. Send down among us honorable and upright men of your own people, of the race to which you and we belong, and ungracious, contrary to wise policy and the institutions of the country, and tyrannous as it will be, no hand will be raised among us to resist by force their authority. But do not, we implore you, abdicate your rule over us, by transferring us to the blighting, brutalizing, and unnatural dominion of an alien and inferior race, a race which has never exhibited sufficient administrative ability for the good government of even the tribes into which it is broken up in its native seats; and which in all ages has itself furnished slaves for all the other races of the earth.

6. IMPEACHMENT OF THE PRESIDENT

Articles of Impeachment

Trial of Andrew Johnson, vol. 1, p. 6. Nine articles were adopted on March 2, and two were added the next day. [March 2-3, 1868]

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all of the people of the United States, against Andrew Johnson, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

That said Andrew Johnson, President of the United States, on [February 21, 1868], at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned by and with the advice and consent of the Senate of the United States, as such Secretary, and said Andrew Johnson, President of the United States, on [August 12, 1867], and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, that is to say, on the twelfth day of December in the year last aforesaid having reported to said Senate such suspension with the evidence and reasons for his action in the case and the name of the person designed to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafterwards, on [January 13, 1868], having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by

force of the provisions of [the Tenure of Office Act, March 2, 1867], . . said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice, and said Edwin M. Stanton, by reason of the premises, on said twenty-first day of February, being lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is in substance as follows, that is to say:

"Executive Mansion,
"*Washington, D. C., February 21, 1868.*

"SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

"You will transfer to Brevet Major General Lorenzo Thomas, Adjutant General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

"Respectfully yours,
"Andrew Johnson.

"To the Hon. Edwin M. Stanton,
"Washington, D. C."

Which order was unlawfully issued with intent then and there to violate the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office, whereby said Andrew Johnson, President

of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE II

That on [February 21, 1868], at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of [the Tenure of Office Act], without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of the law, did, with intent to violate the Constitution of the United States, and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

"EXECUTIVE MANSION,
"Washington, D. C., February 21, 1868.

"SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

"Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

"Respectfully yours,
"ANDREW JOHNSON.

"To Brevet Major General LORENZO THOMAS,
"Adjutant General U. S. Army, Washington, D. C."

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, . . did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE III

That said Andrew Johnson, . . on [February 21, 1868], at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that, without

authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say: [Here follows the same note that is reproduced in Article II.]

ARTICLE IV

That said Andrew Johnson . . [on February 21, 1868], at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July thirty-first, eighteen hundred and sixty-one, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

ARTICLE V

That said Andrew Johnson . . [on February 21, 1868] and on divers other days and times in said year, before [March 2, 1868], at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of [the Tenure of Office Act] . . and in pursuance of said conspiracy, did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned

under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE VI

That said Andrew Johnson, . . [on February 21, 1868], at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said department, contrary to the provisions of [the Conspiracy Act, July 31, 1861] . . and with intent to violate and disregard [the Tenure of Office Act] . . whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

ARTICLE VII

That said Andrew Johnson . . [on February 21, 1868], at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States, in the Department of War, in the custody and charge of Edwin M. Stanton, Secretary for said department, with intent to violate and disregard [the Tenure of Office Act] . . whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

ARTICLE VIII

That said Andrew Johnson, . . with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War, on [February 21, 1868] . . at Washington, in the District of Columbia, did unlawfully and contrary to the provisions of [the Tenure of Office Act] . . and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate

and disregard the act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority in writing, in substance as follows, that is to say: [Here follows the same note that is reproduced in Article II]. . .

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE IX

That said Andrew Johnson . . [on February 22, 1868] . . at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major general by brevet in the army of the United States, actually in command of the department of Washington and the military forces thereof, and did then and there as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, passed March second, eighteen hundred and sixty-seven, entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations, issued by the President or Secretary of War, shall be issued through the General of the army, and in case of inability, through the next in rank," was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been therefore duly and legally promulgated by General Orders for the government and direction of the army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the department of Washington, to violate the provisions of said act, and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions

of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the [Tenure of Office Act] . . and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the house of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles, or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same, and every part thereof, and to every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, DO DEMAND that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

ARTICLE X

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the government of the United States, designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States, and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and legislative powers thereof, (which all officers of the government ought inviolably to preserve and maintain,) and to excite the odium and resentment of all the good people of the United States against Congress and

the laws by it duly and constitutionally enacted; and in pursuance of his said design and intent, openly and publicly, and before divers assemblages of the citizens of the United States, convened in divers parts thereof to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on [August 18, 1866] . . and on divers other days and times, as well before as afterward, make and deliver, with a loud voice, certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces, as well against Congress as the laws of the United States duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled and in hearing, which are set forth in the several specifications hereinafter written, in substance and effect, that is to say:

Specification first. — In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to-wit, on . . [August 18, 1866] . . did, in a loud voice, declare, in substance and effect, among other things, that is to say:

"So far as the executive department of the government is concerned, the effort has been made to restore the Union, to heal the breach, to pour oil into the wounds which were consequent upon the struggle, and (to speak in common phrase) to prepare, as the learned and wise physician would, a plaster healing in character and co-extensive with the wound. We thought, and we think, that we had partially succeeded; but, as the work progresses, as reconstruction seemed to be taking place, and the country was becoming reunited, we found a disturbing and marring element opposing us. In alluding to that element I shall go no further than your convention, and the distinguished gentleman who has delivered to me the report of its proceedings. I shall make no reference to it that I do not believe the time and occasion justify.

"We have witnessed in one department of the government

every endeavor to prevent the restoration of peace, harmony and union. We have seen hanging upon the verge of the government, as it were, a body called, or which assumed to be, the Congress of the United States, while, in fact, it is a Congress of only a part of the States. We have seen the Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of the States inevitable. . . . We have seen Congress gradually encroach, step by step, upon constitutional rights, and violate, day after day and month after month, fundamental principles of the government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, allowed to be consummated, would result in despotism or monarchy itself."

Specification second. — In this, that at Cleveland in the State of Ohio, heretofore, to-wit, on . . [September 3, 1866] . . before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare, in substance and effect, among other things, that is to say:

"I will tell you what I did do. I called upon your Congress that is trying to break up the government. . .

"In conclusion, beside that, Congress had taken much pains to poison their constituents against him. But what had Congress done? Have they done anything to restore the union of these States? No; on the contrary, they have done everything to prevent it; and because he stood now where he did when the rebellion commenced, he had been denounced as a traitor. Who had run greater risks or made greater sacrifices than himself? But Congress, factious and domineering, had undertaken to poison the minds of the American people."

Specification third. — In this, that at St. Louis, in the State of Missouri, heretofore, to-wit, on . . [September 8, 1866] . . before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of

and concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

"Go on. Perhaps if you had a word or two on the subject of New Orleans you might understand more about it than you do. And if you will go back — if you will go back and ascertain the cause of the riot at New Orleans, perhaps you will not be so prompt in calling out 'New Orleans.' If you will take up the riot at New Orleans, and trace it back to its source or its immediate cause, you will find out who is responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress, you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucusses you will understand that they there knew that a convention was to be called which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population, called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans you ought to understand what you are talking about. When you read the speeches that were made, and take up the facts on the Friday and Saturday before the convention sat, you will there find that speeches were made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. You will also find that the convention did assemble in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the government of the United States; and every man engaged in that rebellion in that convention, with the intent of superseding and upturning the civil government which had been recognized by the government of the United States, I say that he was a traitor to the Constitution of the United States, and hence you find that another

rebellion was commenced, having its origin in the radical Congress. . .

"So much for the New Orleans riot. And there was the cause and the origin of the blood that was shed, and every drop of blood that was shed is upon their skirts, and they are responsible for it. I could test this thing a little closer, but will not do it here tonight. But when you talk about the causes and consequences that resulted from proceedings of that kind, perhaps, as I have been introduced here, and you have provoked questions of this kind, though it does not provoke me, I will tell you a few wholesome things that have been done by this radical Congress in connection with New Orleans and the extension of the elective franchise.

"I know that I have been traduced and abused. I know it has come in advance of me here as elsewhere, that I have attempted to exercise an arbitrary power in resisting laws that were intended to be forced upon the government; that I had exercised that power; that I had abandoned the party that elected me, and that I was a traitor, because I exercised the veto power in attempting, and did arrest for a time, a bill that was called a 'Freedman's Bureau' bill; yes, that I was a traitor. And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot, and all that. Now, my countrymen, here to-night, it is very easy to indulge in epithets; it is easy to call a man Judas and cry out traitor; but when he is called upon to give arguments and facts he is very often found wanting. Judas Iscariot — Judas. There was a Judas, and he was one of the twelve apostles. Oh! yes, the twelve apostles had a Christ. The twelve apostles had a Christ, and he never could have had a Judas unless he had had twelve apostles. If I have played the Judas, who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? These are the men that stop and compare themselves with the Saviour; and everybody that differs with them in opinion, and to try to stay and arrest their diabolical and nefarious policy, is to be denounced as a Judas. .

"Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance — soldiers and citizens — to participate in these offices, God being willing, with your help, I will kick them out. I will kick them out just as fast as I can.

"Let me say to you, in concluding, that what I have said I intended to say. I was not provoked into this, and I care not for their menaces, the taunts, and the jeers. I care not for threats. I do not intend to be bullied by my enemies nor overawed by my friends. But, God willing, with your help, I will veto their measures when any of them come to me."

Which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson, President of the United States, did commit, and was then and there guilty of a high misdemeanor in office.

ARTICLE XI

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, and in disregard of the Constitution and laws of the United States, did, heretofore, to-wit, on the eighteenth day of August, A. D. eighteen hundred and sixty-six, at the city of Washington, in the District of Columbia, by public speech, declare and affirm, in substance, that the thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but on the contrary, was a Congress of only a part of the United States, thereby denying, and intending to deny, the power of the said thirty-ninth Congress to propose amendments to the Constitution of the United States; and in pursuance of said declaration, the said Andrew Johnson, President of the United States, afterwards, to-wit, on [February

21, 1868] . . at the city of Washington, in the District of Columbia, did unlawfully, and in disregard of the requirements of the Constitution, that he should take care that the laws be faithfully executed, attempt to prevent the execution of [the Tenure of Office Act] . . by unlawfully devising and contriving, and attempting to devise and contrive means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War; and, also, by further unlawfully devising and contriving, and attempting to devise and contrive means, then and there, to prevent the execution of . . [the Army Appropriation Act and the Reconstruction Act, both of March 2, 1867] . . whereby the said Andrew Johnson, President of the United States, did, then, to-wit, on . . [February 21, 1868] . . at the city of Washington, commit, and was guilty of, a high misdemeanor in office.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

Attest:
EDWARD MCPHERSON,
Clerk of the House of Representatives.

Charles Sumner's Opinion

Trial of Andrew Johnson, vol. III, pp. 247, 257, 258. Each senator was permitted to file a written statement explaining his votes in the impeachment trial. Several availed themselves of this privilege. Sumner's is the most interesting. [1868]

THIS is one of the last great battles with slavery. Driven from these legislative chambers, driven from the field of war, this monstrous power has found a refuge in the Executive Mansion, where, in utter disregard of the Constitution and laws, it seeks to exercise its ancient far-reaching sway. . . Andrew Johnson is the impersonation of the tyrannical slave power. In him it lives again. He is the lineal successor of John C. Calhoun and Jefferson Davis; and he gathers about him the same supporters. Original partisans of slavery north and south; habitual compromisers of great principles; maligners of the Declaration of Independence; politicians without heart;

lawyers, for whom a technicality is everything, and a promiscuous company who at every stage of the battle have set their faces against equal rights; these are his allies. It is the old troop of slavery, with a few recruits, ready as of old for violence — cunning in device, and heartless in quibble. With the President at their head, they are now entrenched in the Executive Mansion.

Not to dislodge them is to leave the country a prey to one of the most hateful tyrannies of history. Especially is it to surrender the Unionists of the rebel States to violence and bloodshed. Not a month, not a week, not a day should be lost. The safety of the Republic requires action at once. The lives of innocent men must be rescued from sacrifice.

I would not in this judgment depart from that moderation which belongs to the occasion; but God forbid that, when called to deal with so great an offender, I should affect a coldness which I cannot feel. Slavery has been our worst enemy, assailing all, murdering our children, filling our homes with mourning, and darkening the land with tragedy; and now it rears its crest anew, with Andrew Johnson as its representative. Through him it assumes once more to rule the Republic and to impose its cruel law. The enormity of his conduct is aggravated by his barefaced treachery. He once declared himself the Moses of the colored race. Behold him now the Pharaoh. With such treachery in such a cause there can be no parley. Every sentiment, every conviction, every vow against slavery must now be directed against him. Pharaoh is at the bar of the Senate for judgment. . .

There is nothing of usurpation which he has not attempted. Beginning with an assumption of all power in the rebel States, he has shrunk from nothing in the maintenance of this unparalleled assumption. . . Timid at first, he grew bolder and bolder. He saw too well that his attempt to substitute himself for Congress in the work of reconstruction was sheer usurpation, and therefore, by his Secretary of State, did not hesitate to announce that "it must be distinctly understood that the restoration will be *subject to the decision of Congress.*"

On two separate occasions, in July and September, 1865, he confessed the power of Congress over the subject; but when Congress came together in December, this confessor of congressional power found that he alone had this great prerogative. According to his new-fangled theory, Congress had nothing to do but admit the States with the governments which had been instituted through his will alone. It is difficult to measure the vastness of this usurpation, involving as it did a general nullification. Strafford was not bolder, when, speaking for Charles I., he boasted that "the little finger of prerogative was heavier than the loins of the law;" but these words helped the proud minister to the scaffold. No monarch, no despot, no Sultan, could claim more than an American President; for he claimed all. By his edict alone governments were organized, taxes were levied, and even the franchises of the citizens were determined.

Had this assumption of power been incidental, for the exigency of the moment, as under the pressure of war, and especially to serve the cause of human rights, to which before his elevation the President had professed such vociferous devotion, it might have been pardoned. It would have passed into the chapter of unauthorized acts which a patriot people had condoned. But it was the opposite in every particular. Beginning and continuing in usurpation, it was hateful beyond pardon, because it sacrificed the rights of Unionists, white and black, and was in the interest of the rebellion and of those very rebels who had been in arms against their country.

More than one person was appointed provisional governor who could not take the oath of office required by act of Congress. Other persons in the same predicament were appointed in the revenue service. The effect of these appointments was disastrous. They were in the nature of notice to rebels everywhere, that participation in the rebellion was no bar to office. If one of their number could be appointed governor, if another could be appointed to a confidential position in the Treasury Department, then there was nobody on the long list of blood who might not look for preferment. And thus all offices

from governor to constable were handed over to a disloyal scramble. Rebels crawled forth from their retreats. Men who had hardly ventured to expect their lives were now candidates for office, and the rebellion became strong again. The change was felt in all the gradations of government, whether in States, counties, towns, or villages. Rebels found themselves in places of trust, while the true-hearted Unionists, who had watched for the coming of our flag and ought to have enjoyed its protecting power, were driven into hiding-places. All this was under the auspices of Andrew Johnson. It was he who animated the wicked crew. He was at the head of the work. Loyalty everywhere was persecuted. White and black, whose only offence was that they had been true to their country, were insulted, abused, murdered. There was no safety for the loyal man except within the flash of our bayonets. The story is as authentic as hideous. More than two thousand murders have been reported in Texas alone since the surrender of Kirby Smith. In other States there was a similar carnival. Property, person, life, were all in jeopardy. Acts were done "to make a holiday in hell." At New Orleans there was a fearful massacre, which, considering the age and the place, was worse than that of St. Bartholomew, which darkens a century of France, or that of Glencoe, which has printed an ineffaceable stain upon one of the greatest reigns of English history. All this is directly traced to Andrew Johnson. The words of bitterness uttered at another time are justified, while Fire, Famine, and Slaughter shriek forth—

> He let me loose, and cried Halloo!
> To him alone the praise is due.

. . The Freedman's Bureau, that sacred charity of the Republic, was despoiled of its possessions for the sake of rebels, to whom their forfeited estates were given back after they had been vested by law in the United States. The proceeds of captured and abandoned property, lodged under the law in the national treasury, were ravished from their place of deposit and sacrificed. Rebels were allowed to fill the ante-chambers of the Executive Mansion and to enter into his counsels. The pardoning power was prostituted, and pardons were issued in

lots to suit rebels, thus grossly abusing that trust whose discreet exercise is so essential to the administration of justice. The powers of the senate over appointments were trifled with and disregarded by reappointing persons who had been already rejected, and by refusing to communicate the names of others appointed by him during the recess. The veto power conferred by the Constitution as a remedy for ill-considered legislation, was turned by him into a weapon of offence against Congress and into an instrument to beat down the just opposition which his usurpation had aroused. The power of removal, which patriot Presidents had exercised so sparingly, was seized as an engine of tyranny and openly employed to maintain his wicked purposes by the sacrifice of good citizens who would not consent to be his tools. Incompetent and dishonest creatures, whose only recommendation was that they echoed his voice, were appointed to office, especially in the collection of the internal revenue, through whom a new organization, known as the "Whiskey Ring," has been able to prevail over the government and to rob the treasury of millions at the cost of tax-paying citizens, whose burdens are thus increased. Laws enacted by Congress for the benefit of the colored race, including that great statute for the establishment of the Freedmen's Bureau, and that other great statute for the establishment of Civil Rights were first attacked by his veto, and when finally passed by the requisite majority over his veto, were treated by him as little better than dead letters, while he boldly attempted to prevent the adoption of a constitutional amendment, by which the right of citizens and the national debt were placed under the guarantee of irrepealable law. During these successive assumptions, usurpations, and tyrannies, utterly without precedent in our history, this deeply guilty man ventured upon public speeches, each an offence to good morals, where, lost to all shame, he appealed in coarse words to the coarse passions of the coarsest people, scattering firebrands of sedition, inflaming anew the rebel spirit, insulting good citizens and with regard to office-holders, announcing in his own characteristic phrase that he would "kick them out" — the whole succession of speeches being from their

brutalities and indecencies, in the nature of a "criminal exposure of his person," indictable at common law, for which no judgment can be too severe. But even this revolting transgression is aggravated, when it is considered that through these utterances the cause of justice was imperiled and the accursed demon of civil feud was lashed again into vengeful fury. All these things from beginning to end are plain facts, already recorded in history and known to all. And it is further recorded in history and known to all, that, through these enormities, any one of which is enough for condemnation, while all together present an aggregation of crime, untold calamities have been brought upon our country; disturbing business and finance; diminishing the national revenues; postponing specie payments; dishonoring the Declaration of Independence in its grandest truths; arresting the restoration of the rebel States; reviving the dying rebellion, and instead of that peace and reconciliation so much longed for, sowing strife and wrong, whose natural fruit is violence and blood.

7. READMISSION OF STATES: FOURTEENTH AMENDMENT

Arkansas Readmitted

Acts and Resolutions, 40 Cong., 2 Sess., p. 43. Passed over the veto. [June 22, 1868]

WHEREAS the people of Arkansas, in pursuance of the provisions of an act entitled "An act for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto, have framed and adopted a constitution of State government, which is republican, and the legislature of said State has duly ratified the amendment to the Constitution of the United States proposed by the thirty-ninth Congress, and known as Article fourteen; Therefore,

Be it enacted . . That the State of Arkansas is entitled and admitted to representation in Congress, as one of the States of the Union, upon the following fundamental condition: That the constitution of Arkansas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted, under laws equally applicable to all inhabitants of said State.

Six More States Readmitted

Acts and Resolutions, 40 Cong., 2 Sess., p. 44. Passed over the veto. Georgia was soon expelled. In Mississippi, Virginia, and Texas, the new constitutions had not been adopted. Alabama was readmitted though the new constitution had been rejected. [June 25, 1868]

WHEREAS the people of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida have, in pursuance of the provisions of an act entitled "An act for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto, framed constitutions of State government which are republican, and have adopted said constitutions by large majorities of the votes cast at the elections held for the ratification or rejection of the same: therefore,

Be it enacted . . That each of the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, shall be entitled and admitted to representation in Congress as a State of the Union when the Legislature of such State shall have duly ratified the amendment to the Constitution of the United States proposed by the thirty-ninth Congress, and known as Article fourteen, upon the following fundamental conditions: That the constitution of neither of said States shall ever be so amended or changed, as to deprive any citizen or class of citizens of the United States of the right to vote in said State who are entitled to vote by the constitution thereof herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State . . and the State of Georgia shall only be entitled and admitted to representation upon this further fundamental condition; that the first and third subdivisions of section seventeen of the fifth article of the constitution of said State, except the proviso to the first subdivision, shall be null and void, and that the general assembly of said State, by solemn public act, shall declare the assent of the State to the foregoing fundamental condition.

Sec. 2. That if the day fixed for the first meeting of the Legislature of either of said States by the constitution or ordinance thereof, shall have passed, or have so nearly arrived before the passage of this act that there shall not be time for the Legislature to assemble at the period fixed, such legislature shall convene at the end of twenty days from the time this act takes effect unless the governor-elect shall sooner convene the same.

Sec. 3. That the first section of this act shall take effect as to each State, except Georgia, when such State shall by its legislature duly ratify Article fourteen of the amendments to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and as to the State of Georgia when it shall

in addition give the assent of said State to the fundamental condition heretofore imposed upon the same; and thereupon the officers of each State, duly elected and qualified under the constitution thereof, shall be inaugurated without delay; but no person prohibited from holding office under the United States or under any State by section three of the proposed amendment to the Constitution of the United States known as Article fourteen shall be deemed eligible to any office in either of said States unless relieved from disability as provided in said amendment; and it is hereby made the duty of the President within ten days after receiving official information of the ratification of said amendment by the Legislature of either of said States, to issue a proclamation announcing that fact.

The Fourteenth Amendment

Acts and Resolutions, 39 Cong., 1 Sess., p. 406. Joint resolution proposing the Amendment passed Congress June 13, 1866, but was not sent to the President. It was ratified by the requisite number of states and proclaimed. [July 28, 1868]

ARTICLE XIV

Sec. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or

other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in said State.

Sec. 3. No Person shall be Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

8. RECONSTRUCTION THE ISSUE IN THE CAMPAIGN OF 1868

The Republican Platform on Reconstruction

McPherson, *History of Reconstruction*, p. 364. [May 21, 1868]

1. We congratulate the country on the assured success of the reconstruction policy of Congress, as evinced by the adoption, in the majority of the States lately in rebellion, of Constitutions securing equal civil and political rights to all; and it is the duty of the Government to sustain those institutions and to prevent the people of such States from being remitted to a state of anarchy.

2. The guaranty by Congress of equal suffrage to all the loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States. . .

8. We profoundly deplore the untimely and tragic death of Abraham Lincoln, and regret the accession to the Presidency of Andrew Johnson, who has acted treacherously to the people who elected him and the cause he was pledged to support; who has usurped high legislative and judicial functions; who has refused to execute the laws; who has used his high office to induce other officers to ignore and violate the laws; who has employed his executive powers to render insecure the property, the peace, liberty, and life, of the citizen; who has abused the pardoning power; who has denounced the national legislature as unconstitutional; who has persistently and corruptly resisted, by every means in his power, every proper attempt at the reconstruction of the States lately in rebellion; who has perverted the public patronage into an engine of wholesale corruption; and who has been justly impeached for high crimes and misdemeanors, and properly pronounced guilty thereof by the vote of thirty-five Senators. . .

13. That we highly recommend the spirit of magnanimity and forbearance with which men who have served in the rebellion, but who now frankly and honestly coöperate with us in restoring the peace of the country and reconstructing the southern State governments upon the basis of impartial justice and equal rights, are received back into the communion of the loyal people; and we favor the removal of the disqualifications and restrictions imposed upon the late rebels in the same measure as the spirit of disloyalty shall die out, and as may be consistent with the safety of the loyal people.

The Democratic Platform on Reconstruction

McPherson, *History of Reconstruction*, p. 367. [July, 1868]

THE Democratic Party . . standing upon the Constitution as the foundation and limitation of the powers of the Government, and the guarantee of the liberties of the citizen, and recognizing the questions of slavery and secession as having been settled . . by the war or the voluntary action of Southern States in constitutional convention assembled, and never to be renewed or to be reagitated, do with the return of peace, demand:

First — Immediate restoration of all the States to their rights in the Union under the Constitution, and of civil government to the American people.

Second — Amnesty for all past political offenses, and the regulation of the elective franchise in the States by their citizens. . .

In demanding these measures and reforms, we arraign the Radical party for its disregard of right, and the unparalleled oppression and tyranny which have marked its career.

After the most solemn and unanimous pledge of both Houses of Congress to prosecute the war exclusively for the maintenance of the Government and the preservation of the Union under the Constitution, it has repeatedly violated that most sacred pledge. . . Instead of restoring the Union, it has, so far as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy. It has nullified there the right of trial by jury; it has abolished the *habeas corpus,* that most sacred writ of

liberty; it has overthrown the freedom of speech and the press; it has substituted arbitrary seizures and arrests, and military trials and secret star-chamber inquisitions for the constitutional tribunals; it has disregarded in time of peace the rights of the people to be free from searches and seizures; it has entered the post and telegraph offices, and even the private rooms of individuals, and seized their private papers and letters without any specific charge or notice of affidavit, as required by the organic law; it has converted the American Capitol into a bastile; it has established a system of spies and official espionage to which no constitutional monarchy of Europe would now dare to resort; it has abolished the right of appeal on important constitutional questions to the supreme judicial tribunals, and threatens to curtail or destroy its original jurisdiction, which is irrevocably vested by the Constitution, while the learned Chief Justice has been subjected to the most atrocious calumnies, merely because he would not prostitute his high office to the support of the false and partisan charges preferred against the President. Its corruption and extravagance have exceeded anything known in history, and, by its frauds and monopolies, it has nearly doubled the burden of the debt created by the war. It has stripped the President of his constitutional power of appointment, even of his own cabinet. . .

And we do declare and resolve that ever since the people of the United States threw off all subjection to the British Crown the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or to interfere with its exercise, is a flagrant usurpation of power which can find no warrant in the Constitution, and, if sanctioned by the people, will subvert our form of government, and can only end in a centralized and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal Union of co-equal States.

And that we regard the reconstruction acts (so-called) of

Congress, as such, as usurpations and unconstitutional, revolutionary, and void.

Views of F. P. Blair

Annual Cyclopedia, 1868, p. 752. Blair was Democratic candidate for the vice-presidency and by his freedom of speech embarrassed his party. The real issue was somewhat as he stated it: Should the Reconstruction be completed or rejected? [1868]

THE issues upon which the contest turns are clear, and cannot be obscured or distorted by the sophistries of our adversaries. They all resolve themselves into the old and ever-renewing struggle of a few men to absorb the political power of the nation. This effort, under every conceivable name and disguise, has always characterized the opponents of the Democratic party, but at no time has the attempt assumed a shape so open and daring as in this contest. The adversaries of free and constitutional government, in defiance of the expressed language of the Constitution, have erected a military despotism in ten of the States of the Union, have taken from the President the powers vested in him by the supreme law, and have deprived the Supreme Court of its jurisdiction. The right of trial by jury, and the great writ of right, — the *habeas-corpus* — shields of safety for every citizen, and which have descended to us from the earliest transitions of our ancestors, and which our Revolutionary fathers sought to secure to their posterity forever in the fundamental charter of our liberties — have been ruthlessly trampled under foot by the fragment of a Congress. Whole States and communities of people of our own race have been attainted, convicted, condemned, and deprived of their rights as citizens, without presentment, or trial, or witnesses, but by congressional enactment of *ex post facto* laws, and in defiance of the constitutional prohibition denying even to a full and legal Congress the authority to pass any bill of attainder, or *ex post facto* law. The same usurping authority has substituted as electors in the place of the men of our own race, thus illegally attainted and disfranchised, a host of ignorant negroes, who are supported in idleness with the public money, and combined together to strip the white race of their birthright, through the

management of Freedmen's Bureaus and the emissaries of conspirators in other States; and, to complete the oppression, the military power of the nation has been placed at their disposal, in order to make this barbarism supreme.

The military leader under whose prestige this usurping Congress has taken refuge since the condemnation of their schemes by the free people of the North in the elections of the last year, and whom they have selected as their candidate to shield themselves from the result of their own wickedness and crime, has announced his acceptance of the nomination, and his willingness to maintain their usurpations over eight millions of people at the South, fixed to the earth with his bayonets. He exclaims: "Let us have peace." "Peace reigns in Warsaw" was the announcement which heralded the doom of the liberties of the nation. "The empire is peace," exclaimed Bonaparte, when freedom and its defenders expired under the sharp edge of his sword. The peace to which Grant invites us is the peace of despotism and death.

The Issue in the South

Annual Cyclopedia, 1868, p. 432. Resolutions adopted by the Democratic State Central Committee of Louisiana. [March 6, 1868]

Whereas, The people of Louisiana are immediately threatened with the consummation of a policy involving their degradation and ruin, promising the destruction of their material interests, intending the overthrow of all constitutional safeguards, aiming at the perversion of every social, educational, and governmental institution, and obliterating every vestige of American civilization in this State, for the notorious purpose of recuperating the waning fortunes and maintaining the supremacy of a distrusted, ambitious, and vindictive party; and

Whereas, It is the duty of every citizen to lend his energy and influence to every effort, and his voice to every protest against the imminent consummation of a scheme so audacious, revolutionary, and destructive, the incipient consequences of which have been beggary, wretchedness, and starvation, and the fomenting of bitter animosities, and the matured results of

which will be debasing despotism, or licentious anarchy, disgraceful to the country which tolerates, and ruinous to the people who endure it: therefore be it

Resolved, That we invite all conservative citizens, regardless of past political attachments or differences, to unite with the national Democratic party in the State and throughout the South. . .

We will unite with the national Democratic party in any policy which may be adopted to preserve the threatened integrity of the Executive and Judicial Departments of the Government, and to counteract the designs of a relentless and tyrannical party to subvert the Constitution and to convert our republican and democratic institutions into a centralized despotism erected on the ruins of public liberty, personal rights, and the sovereignty of the States.

Southern Whites to the Negroes

J. S. Reynolds, *Reconstruction in South Carolina*, p. 90. Democratic "Address to the Colored People of South Carolina." [1868]

YOUR present power must soon pass from you. Nothing that it builds will stand and nothing will remain of it but the prejudices it may create. It is therefore a most dangerous tool that you are handling. Your leaders, both black and white, are using your votes for nothing but their individual gain. Many of them you have only known heretofore to despise and distrust, until commanded by your Leagues to vote for them. Offices and salaries for themselves are the heights of their ambition. . . Already they have driven away all capital and credit from the South; and . . thousands among you are thrown out of employment and starve simply for lack of work. What few enterprises are carried on are the work of Southern men who have faith that the present state of affairs is but temporary. . .

We therefore urge and warn you, by all the ties of our former relations still strong and binding in thousands of cases, by a common Christianity and by the mutual welfare of our two races, whom Providence has thrown together, to beware

of the course on which your leaders are urging you in a blind folly which will surely ruin both you and them.

We do not pretend to be better friends to your race than we are to ourselves, and we only speak when we are not invited because your welfare concerns ours. If you destroy yourselves you injure us, and though but little as compared to the harm you will do yourselves we would if we could avert the whole danger.

We are not in any condition to make to you any promises or to propose to you any compromises. We can do nothing but await the course of events — but this we do without the slightest apprehension or misgiving for ourselves. We shall not give up our country, and time will soon restore our control of it. But we earnestly caution you and beg you in the meanwhile to beware of the use you make of your temporary power. Remember that your race has nothing to gain and everything to lose if you invoke that prejudice of race which since the world was made has ever driven the weaker tribe to the wall. Forsake, then, the wicked and stupid men who would involve you in this folly, and make to yourselves friends and not enemies of the white citizens of South Carolina.

9. RECONSTRUCTION COMPLETED

Republican Converts in Virginia

Talbot, *S. C. Armstrong*, p. 144. Letter of S. C. Armstrong on the political situation. Armstrong was then at work at Hampton. This extract is used by permission of Mrs. Talbot and of Doubleday, Page and Co. [1869]

REPUBLICANS are increasing [in Virginia]since the election of Grant, and several southern gentlemen about here are much more radical than I. "When the devil was sick the devil a monk would be; when the devil was well the devil a monk was he." Scores are getting down off the fence and are rushing wildly to the Republican lines and already begin to talk of what they have suffered for their principles. I was buttonholed this evening by a devoted radical lately converted, who has confidential talks with darkies "behind houses and around corners" and was bored with an address upon "the party," — its principles and its meanest men, swallowed without a gulp — without a wink. They are good, noble dogs and "yaller" mean dogs. So there are yellow dogs, humanly speaking, who roll over on their backs figuratively and wag their tails at the rulers of the hour.

New Constitutions of Virginia, Mississippi, and Texas

Statutes at Large, vol. xvi, p. 40. In Mississippi the Constitution had been rejected. [April 10, 1869]

Be it enacted . . That the President of the United States, at such time as he may deem best for the public interest, may submit the constitution which was framed by the convention which met in Richmond, Virginia, on Tuesday, the third day of December, [1867,] to the voters of said State, registered at the date of said submission, for ratification or rejection, and may also submit to a separate vote such provisions of said constitution as he may deem best, such vote to be taken either upon each of the said provisions alone, or in connection with the other portions of said constitution, as the President may direct.

Sec. 2. . . At the same election the voters of said State may

vote for and elect members of the General Assembly of said State, and all the officers of said State provided for by said constitution, and members of Congress; and the officer commanding the district of Virginia shall cause the lists of registered voters of said State to be revised, enlarged, and corrected prior to such election, according to law, and for that purpose may appoint such registrars as he may deem necessary. And said elections shall be held, and returns thereof made in the manner provided by the acts of Congress commonly called the reconstruction acts.

Secs. 3 and 4. . . [Similar procedure authorized for Texas and Mississippi.]

Sec. 5. . . If either of the said constitutions shall be ratified at such election, the legislature of the State so ratifying, elected as provided for in this act, shall assemble at the capital of said State on the fourth Tuesday after the official promulgation of such ratification by the military officer commanding in said State.

Sec. 6. . . Before the States of Virginia, Mississippi, and Texas shall be admitted to representation in Congress, their several legislatures, which may be hereafter lawfully organized, shall ratify the fifteenth article which has been proposed by Congress to the several States as an amendment to the Constitution of the United States.

Sec. 7. . . The proceedings in any of the said States shall not be deemed final or operate as a complete restoration thereof, until their action respectively, shall be approved by Congress.

Virginia Readmitted

Statutes at Large, vol. xvi, p. 62. Mississippi was readmitted on February 23, and Texas on March 30, 1870. The organization of the militia in these states was still prohibited however.
[January 26, 1870]

WHEREAS the people of Virginia have framed and adopted a constitution of State government which is republican; and whereas the Legislature of Virginia elected under said constitution have ratified the fourteenth and fifteenth amendments to the Constitution of the United States; and whereas the performance of these several acts in good faith was a condition precedent to the representation of the State in Congress: Therefore

Be it enacted, . . That the said State of Virginia is entitled to representation in Congress of the United States: *Provided*, That before any member of the legislature of said State shall take or resume his seat, or any officer of said State shall enter upon the duties of his office, he shall take and subscribe, and file in the office of the Secretary of State of Virginia, for permanent preservation, an oath in the form following: "I, —— ——, do solemnly swear that I have never taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, and afterwards engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; so help me God;" or such person shall in like manner take, subscribe, and file the following oath: "I, —— —— do solemnly swear that I have by act of Congress of the United States been relieved from the disabilities imposed upon me by the fourteenth Amendment of the Constitution of the United States; so help me God." . . And any person who shall knowingly swear falsely in taking either of such oaths shall be deemed guilty of perjury, and shall be punished therefor by imprisonment not less than one year and not more than ten years, and shall be fined not less than one thousand dollars and not more than ten thousand dollars. . . *And provided further*, That every such person who shall neglect for the period of thirty days next after the passage of this act to take, subscribe, and file such oath as aforesaid, shall be deemed and taken to all intents and purposes, to have vacated his office: *And provided further*, That the State of Virginia is admitted to representation in Congress as one of the States of the Union upon the following fundamental conditions: First, That the constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common

law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effects, may be made in regard to the time and place of residence of voters. Second, That it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color or previous condition of servitude, of the right to hold office under the constitution and laws of said State, or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens. Third, That the constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the constitution of said State.

Georgia Reconstructed a Second Time

Acts and Resolutions, 40 Cong., 2 Sess., p. 3. The Georgia legislature elected under the Reconstruction acts unseated the negro members. President Grant sent a message to Congress recommending drastic legislation. This act was the response. The state was readmitted July 15, 1870. [December 22, 1869]

Be it enacted . . That the governor of the State of Georgia be, and hereby is, authorized and directed forthwith, by proclamation, to summon all persons elected to the general assembly of said State, as appears by the proclamation of George D. Meade, the general commanding the military district including the State of Georgia, dated June 25, 1868, to appear on some day certain to be named in said proclamation, at Atlanta, in said State; and thereupon, the said General Assembly of said State shall proceed to perfect its organization in conformity with the Constitution and laws of the United States according to the provisions of this act.

Sec. 2. . . That when the members so elected to said senate and house of representatives shall be convened as aforesaid, each and every member and each and every person claiming to be elected as a member of said senate or house of representatives shall, in addition to taking the oath or oaths required by the constitution of Georgia also take and subscribe and file in the office of the secretary of state of the state of Georgia, one of

the following oaths or affirmations, namely: "I do solemnly swear (or affirm, as the case may be) that I have never held the office or exercised the duties of a senator or a representative in Congress, nor been a member of the legislature of any State of the United States, nor held any civil office created by law, for the administering of any general law of a State, or for the administration of justice in any State, or under the laws of the United States, nor held any office in the military or naval service of the United States, and thereafter engaged in insurrection or rebellion against the United States, or gave aid or comfort to its enemies, or rendered, except in consequence of direct physical force, any support or aid to any insurrection or rebellion against the United States, or held any office under, or given any support to, any government of any kind organized or acting in hostility to the United States, or levying war against the United States. So help me God, (or on the pains and penalties of perjury, as the case may be)." Or the following oath or affirmation, namely: "I do solemnly swear (or affirm, as the case may be) that I have been relieved by an act of the Congress of the United States from disability as provided for by section three of the fourteenth amendment of the Constitution of the United States. So help me God, (or on the pains and penalties of perjury as the case may be)." . . And every person, claiming to be so elected, who shall refuse or decline or neglect or be unable to take one of the said oaths or affirmations above provided, shall not be admitted to a seat in said senate or house of representatives, or to a participation in the proceedings thereof, but shall be deemed ineligible to such seats.

Sec. 3. . . If any person, claiming to be elected to said senate or house of representatives, as aforesaid, shall falsely take either of said oaths or affirmations as above provided, he shall be deemed guilty of perjury, and shall suffer the pains and penalties thereof, and may be tried, convicted, and punished therefor by the circuit court of the United States for the district of Georgia in which district said crime was committed, and the jurisdiction of said court shall be sole and exclusive for the purpose aforesaid.

Sec. 4. . . The persons elected, as aforesaid, and entitled to compose the said legislature, and who shall comply with the provisions of this act by taking one of the oaths or affirmations above prescribed, shall thereupon proceed, in said senate and house of representatives to which they have been elected respectively, to reorganize said senate and house of representatives, respectively, by the election and qualification of the proper officers of each house.

Sec. 5. . . If any person shall by force, violence, or fraud, wilfully hinder or interrupt any person or persons elected as aforesaid from taking either of the oaths or affirmations prescribed by the act, or from participating in the proceeding of said senate or house of representatives, after having taken one of said oaths or affirmations and otherwise complied with this act, he shall be deemed guilty of a felony, and may be tried, convicted, and punished therefor, by the circuit or district court of the United States for the district of Georgia, in which district said offense shall be committed, and shall be punished therefor by imprisonment at hard labor for not less than two nor more than ten years, in the discretion of the court, and the jurisdiction of said courts shall be sole and exclusive for the purpose aforesaid.

Sec. 6. . . It is hereby declared that the exclusion of any person or persons elected as aforesaid, and being otherwise qualified, from participation in the proceedings of said senate or house of representatives, upon the ground of race, color, or previous condition of servitude, would be illegal and revolutionary, and is hereby prohibited.

Sec. 7. . . Upon the application of the governor of Georgia, the President of the United States shall employ such military or naval forces of the United States as may be necessary to enforce and execute the preceding provisions of this act.

Sec. 8. . . The legislature shall ratify the fifteenth amendment proposed, to the Constitution of the United States before senators and representatives from Georgia are admitted to seats in Congress.

The Fifteenth Amendment

Statutes at Large, vol. xvi, p. 1131. [March 30, 1870]

Article XV

Sec. 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

DOCUMENTARY HISTORY OF RECONSTRUCTION

VOLUME II

SIXTY-FIVE MEMBERS OF THE SOUTH CAROLINA LEGISLATURE, 1868-1872

[*From a photograph in possession of the Editor*]

Twenty-two of the entire legislature of 155 members could read and write; several could write only their names; 41 signed by an X mark. Of the 98 negro members, one paid $83 taxes, 30 together paid $60, and 67 paid none. Of the 57 whites, 11 Conservatives paid $194; 22 Radicals paid $297; and 24 Radicals paid none. None of the state officers, except the lieutenant governor, paid taxes. The taxes levied amounted to $2,000,000 a year, and in addition the bonded debt was increased by about $20,000,000 by 1872. When the legislature and state officers went out of office they paid taxes on a great deal of property.

DOCUMENTARY HISTORY OF RECONSTRUCTION

Political, Military, Social, Religious, Educational & Industrial 1865 to the Present Time

BY

WALTER L. FLEMING, Ph. D.

PROFESSOR OF HISTORY IN WEST VIRGINIA UNIVERSITY

With facsimiles

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PREFACE

In the first volume of this work documents were presented to illustrate the problems of Reconstruction and the attempts made to solve them, ending with the restoration of the seceded states to the Union. In this volume the aim is to illustrate the working out of Reconstruction in the South, with special reference to race relations, political morality, and economic, educational and religious matters. Some material is included to illustrate later phases of certain problems of Reconstruction. Legal and official documents are fewer in this volume than in the former one, more points of controversy arise in the period covered, and feeling was more intense, consequently, the psychological element to be considered is more important. As to origin the various documents may be roughly classified, according to bias or inclination, thus: State laws, 7; Federal laws, 9; Court decisions, 6; Northern Radical, 51; Northern Conservative, 36; Southern Conservative, 121 (including 4 "Old Whigs" and 10 negroes); Southern Radical, 76 ("carpetbaggers," 26; "scalawags," 20; negroes, 30); Southern Unionist, 10; Southern "Reform" Republican, 5; foreigners, 7; unclassified, 10. Parts of Chapters vii, viii, and xii have been taken from a series of pamphlets, now out of print, published in 1904, entitled *West Virginia University Documents Relating to Reconstruction.* For encouragement and assistance in issuing that series which grew into this collection, my thanks are due especially to President D. B. Purinton and Professor W. T. Barbe of West Virginia University. To others also, to whom acknowledgments were made in the first volume, I am indebted for courtesies while at work on this one.

WALTER L. FLEMING

West Virginia University,
Morgantown, January, 1907.

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VII

THE UNION LEAGUE OF AMERICA

INTRODUCTION

THE elections of 1867 and 1868 in the South showed that the negroes were under the control of a few white leaders, mostly from the North, though there were some natives. These leaders secured practically all the offices, from United States senator down to justice of the peace. The mass of Southern whites found it impossible to gain any political influence over the blacks. In order to understand the control of the carpetbagger (white Radical from the North) and the scalawag (Southern white Radical) it is necessary to study the secret political society known as the Union or Loyal League, which with its iron discipline held together the blacks for several years. The order began in the North in 1862 as a movement to organize and make effective loyal sentiment; it expanded rapidly and before the close of the war had considerable influence. When the war ended it was extended among the Southern Unionists who had already formed small secret orders hostile to the Confederacy. These orders, such as the Heroes of America, the Red Strings, and the Lincoln Brotherhood, were absorbed into the League and the members hoped, through this society, to organize an effective anti-Confederate political party in the South. In 1865-1866 it had a large membership in the white districts.

The entire character of the order was changed in 1866-1868 by the admission of negroes into those League organ-

izations controlled by the agents of the Freedmen's Bureau and other representatives of the conquering North. As the blacks were admitted the native whites deserted, and by the end of 1867 nearly the entire black population was brought under its influence and the order consisted solely of black members with white leaders. Several minor orders of blacks were absorbed into the League and it became the machine of the Radical Republican party in the South. In the North the League seems to have disintegrated after 1866, though New York remained headquarters for several years.

The methods employed by the Union League serve partly to explain why the negroes were voted solidly for one party in spite of attempts made by the white party to gain an influence over them, and why the races remained politically hostile after the League was disbanded. The strictest discipline was enforced, and personal injury, even death, was the penalty for voting a Democratic ticket. Night meetings, with impressive ceremonies and solemn oaths; parades and drills; promises of confiscation; threats of being returned to slavery; speeches by visiting agitators — all served to keep the blacks in line. Candidates for office were nominated by the League and no member could vote for a candidate not endorsed by the order.

The influence of unscrupulous white leaders in the League was responsible for much of the disorder created by the blacks. Insults, burnings, thefts, murder — all were blamed upon the League by the whites. The Ku Klux movement was in large degree caused by the fear of the influence of the League upon the blacks, and after 1869 the League gradually broke up before the attacks of the Klan. The local councils disbanded or became public political clubs. But the negro had received a

training which he did not soon forget, and the races were politically alienated. Aside from its political significance, the League is important as the first of the great negro secret societies and was a model for most of them. These societies are a most important and, on the whole, useful factor in negro life today.

REFERENCES

ORIGIN OF THE UNION LEAGUE: Bellows, *History of the Union League Club of New York; Chronicle of the Philadelphia Union League*; Fleming, *Civil War and Reconstruction in Alabama*, p. 553; Hamilton, *Reconstruction in North Carolina*, p. 61.

EXTENSION AND TRANSFORMATION: Eckenrode, *Virginia during Reconstruction*, p. 60; Fleming, p. 556; Lester and Wilson, *Ku Klux Klan*, pp. 68, 83.

ORGANIZATION AND METHODS: Avary, *Dixie after the War*, ch. 24; Brown, *Lower South in American History*, ch. 4; Eckenrode, pp. 61-63; Fleming, pp. 559-568; Garner, *Reconstruction in Mississippi*, p. 338; Herbert, *Solid South*, pp. 41, 332; Phelps, *Louisiana*, p. 366.

1. CONSTITUTIONAL DOCUMENTS OF THE UNION LEAGUE

Objects and Organization of the League

Constitution of the Union League of America. Extracts. [1867]

ARTICLE I. — NAME.

THIS organization shall be known as the "Union League of America."

ARTICLE II. — OBJECT.

The object of this organization shall be to preserve liberty and the Union of the United States of America; to maintain the Constitution thereof and the supremacy of the laws; to sustain the Government and assist in putting down its enemies; to protect, strengthen, and defend all loyal men, without regard to sect, condition, or race; and to elect honest and reliable Union men to all offices of profit or trust in National, State, and local government; and to secure equal civil and political rights to all men under the Government.

ARTICLE III. — ORGANIZATION.

This organization shall consist of a national council and one council for each State and Territory and for the District of Columbia, and of such subordinate councils as may by them be established, under regulations not inconsistent with this constitution.

The national council shall be composed of representatives elected by the several State, Territorial, and District councils, and shall have the general superintendence of the League.

The Union League Ritual

Ritual of the Union League of America. Extracts. [1867, 1870]

FORM OF COUNCIL, OFFICERS AND THEIR STATIONS.

THE officers of the Council of the U. L. A. are: A President, Vice President, Assistant Vice President, Treasurer, Sec-

retary, Marshal, Herald, Sentinel and Chaplain. The P. occupies the principal station in the room; V. P. and A. V. P., at the opposite end and in front of the P. T. at the left hand of P.; Sec. at the right hand of the P.; M. near the V. P.; H. within the inner door; S. within the outer door, and the Chaplain at the centre of the room, on the right.

EMBLEMS.

Altar, Holy Bible, Declaration of Independence; United States Constitution; Flag of the Union; Censer of Incense; Sword; Gavel; Ballot Box and Sickle; Shuttle; Anvil; and other emblems of industry. . .

OBJECT OF THE LEAGUE.

A. V. P. GENTLEMEN: I am directed to state to you the object of this organization. It is to preserve liberty, perpetuate the Union of the United States of America, maintain the supremacy of the laws and constitution thereof against enemies, foreign and domestic, to secure the ascendency of American institutions on this continent, to protect, defend and strengthen all loyal men and members of the Union League of America in all their rights of person and property, to demand the elevation and aid in the education of the labor and laboring men of the whole country, to make our councils for the prompt and proper instruction of all men in the duties of American citizenship, and for the inculcation of sentiments of true charity and brotherly affection among the members of our order. Having informed you of the purposes of our order, I now expect from you a promise of secrecy before proceeding farther. Have I your solemn pledge to keep secret whatever may transpire in your presence? Answer must be in the affirmative. To the questions now propounded you will answer upon your honor and under your pledge of secrecy. 1st. Do you fully subscribe to the principles set forth in the Declaration of Independence? Answer ———. 2d. Do you acknowledge that your first and highest allegiance under God is due to the government of the United States of America? Answer ———. 3rd. Are you willing to pledge yourself to resist to the utmost

extent of your power, all attempts to subvert or overthrow the government of the United States? Answer ———. 4th. Will you strive to the extent of your ability for the maintenance of liberty; the elevation of labor; the education in the responsibilities and duties of American citizenship of all the people of this country; the practice of a true friendship and charity towards each and all of the order of which you are about to become a member, and for the election or appointment to all places of public trust of such men only as are reliable supporters of these principles and measures? Answer ———. 5th. Are you willing, and do you desire to bind yourself by a solemn oath to the maintenance of the principles and policy indicated in the interrogatories to which you have now affirmatively replied? Answer ———. 6th. Do you pledge your honor that you will obey all rules and orders of the Union League of America which shall not conflict with your lawful rights and privileges as a loyal citizen, and keep inviolate all secrets and ceremonies of the league, when communicated to you as such? Answer ———. (Should the candidates answer all the foregoing questions in the affirmative, the A. V. P. shall report to the P. and C. as follows:) A. V. P. Mr. President, I have made the proper examination, and find all the candidates worthy and willing to proceed. (Unless the report is objected to by the Marshal or other person, the President will direct as follows:) P. The Marshal will conduct the candidates to our council. (The Marshal, coming to the door with candidates, makes the usual alarm.) H. Who comes under the private signal of our league? M. Candidates, who, having been duly elected and examined, desire admission to our loyal band. H. Mr. President, the Marshal announces candidates, who, having been duly elected and examined, desire admission to our loyal band. P. The loyal and worthy are always welcome. Admit them. (The door is opened, and candidates, preceded by the M., enter in double file, arm in arm, and passing around the altar are presented in front of the P's chair. As they enter the door the P. gives three raps with the gavel, which will call up the C. The President rising, the M. will

introduce the candidates by name. While the candidates are coming in and taking their places around the altar, the P. may direct the C. to sing a verse or more of some patriotic song, "Hail Columbia," "Star Spangled Banner," which may be printed on the cards for the C. By a signal from the P. the members take their seats during the delivery of the address.) M. Mr. Vice President, I have the pleasure of presenting these candidates for membership in our Union League.

ADDRESS.

V. P. Gentlemen (or Sir), We rejoice that you have come forward voluntarily to unite with us. The cause we advocate is that of our country. Banded together for the purpose of perpetuating the liberties for which our fathers fought we have sworn to protect them. In time of peril to our government and the Union, it became the sacred duty of all true patriots to unite their efforts for the preservation of constitutional freedom, and in thwarting the designs of traitors to destroy the tree of liberty, planted by our patriotic fathers, and watered by their blood. Neither domestic traitors nor foreign foes must be permitted to destroy this nation, nor to circumscribe the influence and progress of American institutions on this continent. The first grand purpose of our organization has been accomplished, through the combined efforts of our order and the gallantry and perseverance of our citizen soldiers, to whom our grateful acknowledgments and continued appreciation is ever due. The legitimate fruits of this triumph are yet to be secured in the complete ascendency of the true principles of popular government; the establishment of equal liberty; the elevation and education of the toiling masses of the republic; the preservation of the national honor and faith; the inculcation of a brotherly affection and true charity towards all; the complete and final overthrow at the ballot-box, as in the field, of the oligarchy of political leaders, who sought to ruin when they could not rule, and through whose errors and wrongs our country has been baptized in blood; the establishment here of an asylum for the distressed of other lands, and of a beacon light so prominent and enduring as to be seen by all nations for

all time, and so unerring as to guide all people to the certain possession of national and true liberty. By means of this Loyal League these grand purposes may be realized. We ask none of you to join us who have not the noble sentiment of patriotism deeply implanted in their hearts, for such only are capable of rising above the level of the mere partisan, and claiming and defending the boon of freedom from its intrinsic value. It is to sustain the government and the principles and policy we have indicated, that we are united, and for this purpose you are required to take a solemn obligation, which I assure you does not in any way conflict with the duties you owe to yourself, your country, your family or your God. With this assurance are you willing to take such an obligation? (Answer to be in the affirmative.) V. P. Candidates will please turn and approach the altar. (Here the P. calls up the C. in four raps, in couplets, and says:) P. The Chaplain will now invoke the blessing of Almighty God upon our undertakings. . .

(Here, after darkening the room, the M. lights the fire of liberty, to burn during the administration of the obligation; the members will be notified to join hands in a circle, around the candidates and the altar — the P. stepping within the circle. When there are more candidates than can reach the flag or Bible, they should be divided and obligated by sections. The P. then continues as follows:)

Now place your left hand on the national flag and raise your right toward heaven, repeating after me the following obligation:

OBLIGATION.

I, (repeat your name after mine,) do solemnly swear (or affirm) in the presence of God and these witnesses, that I will never voluntarily bear arms against the United States, while I am a citizen thereof; that I will support, protect and defend the constitution and the government of the United States and the flag thereof, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will also defend this State against any invasion, insurrection or rebellion, to the extent of my ability. This I freely pledge with-

out mental reservation or evasion. Furthermore that I will do all in my power to elect true and reliable Union men and supporters of the government, and none others, to all offices of profit or trust, from the lowest to the highest, in ward, town, county, State and General government. And should I ever be called to fill any office, I will faithfully carry out the objects and principles of this League. And further, that I will protect, aid and defend all worthy members of the U. L.; and that I will never make known in any way, to any person or persons not members of the U. L., any of the signs or passwords, proceedings, debates or plans of this or any other C. under this organization, except when engaged in admitting new members into this L. (Place your right hand upon the Holy Bible.) And with my hand upon the Holy Bible, Declaration of Independence and the constitution of the United States of America, under the seal of my sacred honor, I acknowledge myself firmly bound and pledged to the faithful performance of this my solemn obligation. So help me God. (Response by the members.)

TO THIS WE PLEDGE OURSELVES.

P. Gentlemen, around you is a band of brothers, alike sacredly pledged. This circle is never to be broken by treachery. (Response by the members:) "Never." P. Brothers, will you enlarge your circle to admit new members? (Response:) "We will." P. Prepare then for accessions to your ranks. P. With clasped and uplifted hands repeat after me the

FREEDMAN'S PLEDGE.

To defend and perpetuate freedom and the Union I pledge my life, my fortune and my sacred honor. So help me God. [Then follows a song. The members of the Council will now take their places before the Altar.]

"Loyal League Catechism"

Pamphlet copy, in Alabama Department of Archives and History. The document printed below was circulated in 1867-68 among the negroes of the South through the Union League, which conducted the "Republican Clubs" as training schools for the future voters. It was popularly known as the "Loyal League Catechism." [1867]

The Position of the Republican and Democratic Parties

A DIALOGUE BETWEEN A WHITE REPUBLICAN AND A COLORED CITIZEN, PUBLISHED BY THE UNION REPUBLICAN CONGRESSIONAL COMMITTEE, WASHINGTON, D. C.

The following is a dialogue between a newly enfranchised freedman and a sound Radical Republican. The new-made voter is seeking light upon the subject of his political duties and his Radical friend gives him plain facts, and demonstrates clearly with which party he and all like him should act. It would be well for colored voters generally to seek out some tried Radical friend and question him upon all subjects about which they have any doubt. The dialogue is submitted with the hope that the facts set forth therein will remove doubts from the minds of many who have been unable to receive proper information upon the position in which they should stand at this time:

The Dialogue.

QUESTION. With what party should the colored man vote?

ANSWER. The Union Republican party.

Q. Why should the colored man vote with that party?

A. Because that party has made him free and given him the right to vote.

Q. Was Mr. Lincoln a Republican?

A. He was a Republican President.

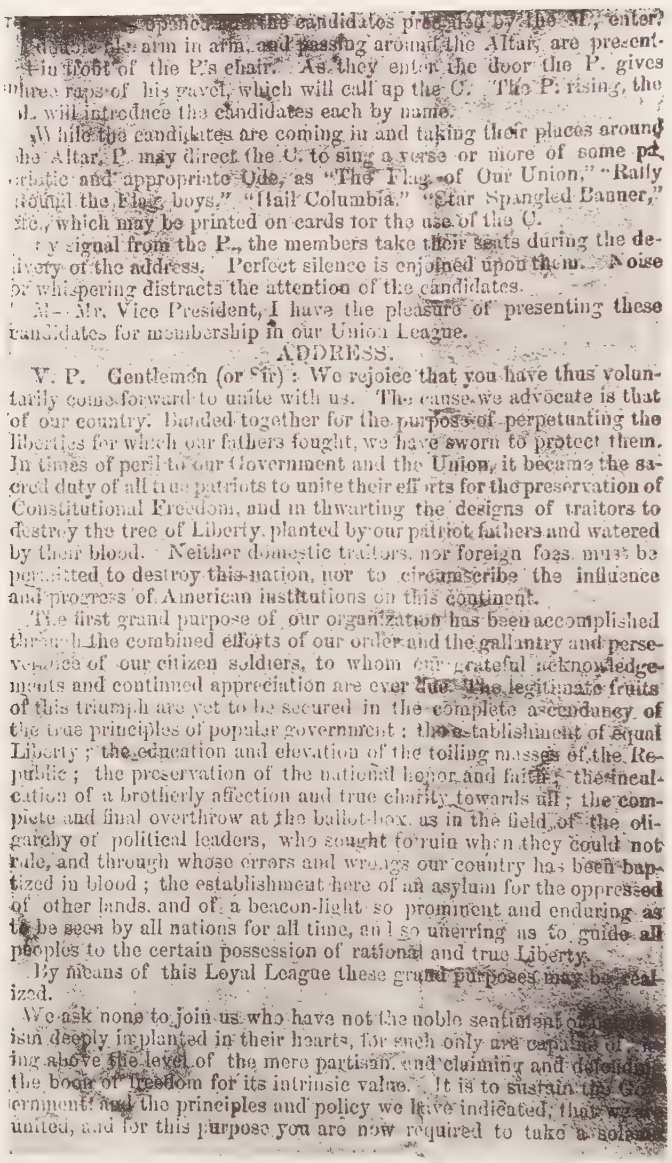
Q. Are all the Republicans in favor of universal freedom?

A. They are.

Q. What is the difference between Radicals and Republicans?

A. There is none. The word Radical was applied to the Republican party by its enemies, and has been accepted by it.

Q. The Radicals and Republicans are then one and the same party?



ADDRESS.

V. P. Gentlemen (or Sir): We rejoice that you have thus voluntarily come forward to unite with us. The cause we advocate is that of our country. Banded together for the purpose of perpetuating the liberties for which our fathers fought, we have sworn to protect them. In times of peril to our Government and the Union, it became the sacred duty of all true patriots to unite their efforts for the preservation of Constitutional Freedom, and in thwarting the designs of traitors to destroy the tree of Liberty, planted by our patriot fathers and watered by their blood. Neither domestic traitors, nor foreign foes, must be permitted to destroy this nation, nor to circumscribe the influence and progress of American institutions on this continent.

The first grand purpose of our organization has been accomplished through the combined efforts of our order and the gallantry and perseverance of our citizen soldiers, to whom our grateful acknowledgements and continued appreciation are ever due. The legitimate fruits of this triumph are yet to be secured in the complete ascendancy of the true principles of popular government; the establishment of equal Liberty; the education and elevation of the toiling masses of the Republic; the preservation of the national honor and faith; the inculcation of a brotherly affection and true charity towards all; the complete and final overthrow at the ballot-box, as in the field, of the oligarchy of political leaders, who sought to ruin when they could not rule, and through whose errors and wrongs our country has been baptized in blood; the establishment here of an asylum for the oppressed of other lands, and of a beacon-light so prominent and enduring as to be seen by all nations for all time, and so unerring as to guide all peoples to the certain possession of rational and true Liberty.

By means of this Loyal League these grand purposes may be realized.

We ask none to join us who have not the noble sentiment of patriotism deeply implanted in their hearts, for such only are capable of rising above the level of the mere partisan, and claiming and defending the boon of freedom for its intrinsic value. It is to sustain the Government and the principles and policy we have indicated, that we are united, and for this purpose you are now required to take a solemn

FACSIMILE OF PAGE FROM RITUAL OF THE ALABAMA UNION LEAGUE

[*From copy in possession of Dr. Thomas M. Owen, Montgomery, Ala.*]

A. They are, and they are all in favor of freedom and universal justice.

Q. What is the meaning of the word Radical as applied to political parties and politicians?

A. It means one who is in favor of going to the root of things; who is thoroughly in earnest; who desires that slavery should be *abolished,* that every disability connected therewith should be *obliterated,* not only from the national laws but from those of every State in the Union.

Q. Is Mr. Sumner a Republican?

A. He is, and a Radical, so are Thad. Stevens, Senator Wilson, Judge Kelley, Gen. Butler, Speaker Colfax, Chief Justice Chase, and all other men who favor giving colored men their rights.

Q. To which party do the friends of the colored men in Congress belong?

A. To the Republican Party.

Q. What is a Democrat?

A. A member of that party which before the rebellion sustained every legislative act demanded by the slaveholders, such as the Fugitive Slave Law, and the attempt made to force slavery upon the Western Territories.

Q. What was the position of the Democratic Party during the war?

A. It opposed the war; declared Mr. Lincoln's management of it a failure; resisted every measure in Congress looking to emancipation, and denounced the Government for arming colored men as soldiers.

Q. What has that party done since the surrender of the rebels?

A. It has sustained Mr. Johnson in his efforts to restore your old masters to power in the country, and opposed every act for your benefit which the Republican Congress has adopted.

Q. Is it known by any other name?

A. It is known as Conservative, Copperhead and rebel. Under each name it is still the same enemy of freedom and the rights of man.

Q. Would the Democrats make slaves of the colored people again if they could?

A. It is fair to presume they would, for they have opposed their freedom by every means in their power, and have always labored to extend slavery.

Q. Would Democrats allow colored men to vote?

A. No! They have always opposed it in Congress and in the various State Legislatures.

Q. Who abolished slavery in the District of Columbia?

A. A Republican Congress and Abraham Lincoln, a Republican President.

Q. Who freed the slaves of the South?

A. Abraham Lincoln, the Republican President, by proclamation.

Q. Who passed the Freedman's Bureau Bill?

A. A Republican Congress by more than a two-thirds vote over the veto of Andrew Johnson, the leader of the Democratic or conservative party.

Q. Who gave us the Civil Rights Bill?

A. The same Republican Congress.

Q. What party gave us the right to vote?

A. The Republican party.

Q. What has the Democratic, Conservative or Copperhead party ever done for the colored people?

A. It has tried to keep them in slavery, and opposed giving them the benefit of the Freedman's Bureau and Civil Rights Bills, and the right to vote.

Q. Why cannot colored men support the Democratic party?

A. Because that party would disfranchise them, and, if possible, return them to slavery and certainly keep them in an inferior position before the law.

Q. With whom do the disloyal white men of the South desire the colored men to vote?

A. With the Democratic party.

Q. Would not the Democrats take away all the negro's rights?

A. They would.

Q. Then why do they pretend to be the best friends of the colored men?

A. Because they contend that they are fitted only for slavery, or an inferior position, and are happier in either condition.

Q. How would it suit them to be served in the same manner?

A. They would not endure it. They call themselves a superior race of beings, and claim they are born your rulers.

Q. Why do they not do unto others as they would be done by?

A. Because they are devoid of principle, and destitute of all sense of justice where the colored man is concerned.

Q. Do all white people belong to a party which would treat us in that way?

A. They do not. There are many who have stood up nobly for your rights, and who will aid you to the end; indeed, all the Republicans are such.

Q. To what party do the people of the South belong?

A. The larger portion belong to the Democratic party.

Q. Are the slave holders and the leaders of the rebellion members of that party?

A. They are, and would not regard you as having any right if they were in power.

Q. The colored men should then vote with the Republican or Radical Party?

A. They should, and shun the Democratic party as they would the overseer's lash and the auction block.

Q. Has the Republican party ever deceived the colored people?

A. It has not. While the Democratic party has always been opposed to their freedom, their education, and their right to vote, the Republican party has always been their friend.

Q. To what party do the leading colored men belong?

A. Without exception they belong to the Republican party.

Q. What are the most prominent principles advocated by the Republican party?

A. Equal rights before the law and at the ballot box for all men without regard to race or color; that is, that every man shall have the same rights and liberties as any other man.

Q. Does not the Military Reconstruction Act secure to us these rights?

A. Yes, but you may yet be deprived of them if your enemies get into power.

Q. What would the people think if the colored men voted with the Democratic party?

A. The people of the North would think that they did not fully understand their own rights nor the duties devolving on them; and the people of the South would proudly say, "We have always told you that the negro did not wish to be free."

Q. What use has been made of the money which the colored people of the Southern States have paid as taxes?

A. It has been used to establish schools for *white* children; to pay the expenses of making and executing laws in which the colored men have had no voice, and in endeavoring to have the Supreme Court set aside the law which gives you the right to vote.

Q. What! are the Democrats using my own money to take away my rights?

A. They have always done so, and will continue to while they remain in power.

Q. Can this be right?

A. It can not, but it is what you have always received, and such treatment as you will continue to receive from the Democratic party.

Q. Some people say if we vote against the whites of the South it will make them our enemies and we will be destroyed. Is it so?

A. This will not be the case, because they will try to befriend you to secure your vote.

Q. But they say we will be discharged from work if we dare vote the Republican ticket. Will they do that?

A. You should remember that your labor is worth just as much to the man who employs you as his money is to you.

Q. You would advise us then to disregard these threats and vote with the Republican party?

A. Most certainly I would. Had you not rather suffer, or even starve to death, than to aid a party to re-enslave you? Remember your former condition and avoid a return to chains and slavery. "Give me liberty or give me death."

Q. The white people South say the Republicans of the North do not care for the colored men only so far as they can use them to continue in political power. Is that true?

A. It is not.

Q. What is the reason that several of the Northern States do not give us the right to vote?

A. Chiefly because they have in the past been controlled by the Democratic party. In the Western States where what are called the "Black Laws," exist, which forbid colored people to live there, there are large bodies of whites who moved originally from the slave States, and carried the hatred and prejudices of slavery with them.

Q. What has the Republican party done in these States about such laws?

A. Tried to abolish them as fast as it gained power. It publicly advocates their repeal.

Q. Well, I am satisfied. You have clearly shown me my duty and I shall impart the information to my people.

A. Let me say to you further, that the Democratic party will use all means to get the colored people to put it in power again, but you must remember what has been its past record, and see to it that you do not trust it in the future. In order that you may work to the best advantage for the success of the party which has been and still is your true friend, you should have an organization, or association, where you can bring together your people, and such white men as belong to the Republican party. You want to be so organized that you will act as one man, lest your enemy gain the victory. You should organize Union Leagues and Republican Clubs. Here is a constitution for a Union Republican Club. You can take this and call together some of your Republican friends, have them sign

it, and elect the officers provided therein. Then hold a meeting once in each week, talk these matters over, read newspapers and documents to those who cannot read, and take such measures as will result in conveying to every colored man the correct view of his duties at this time. This is the Constitution of which I speak: [Then follows a constitution for a political club.]

2. ORDERS SIMILAR TO THE LEAGUE

The Lincoln Brotherhood

John Wallace, (colored), *Carpet Bag Rule in Florida (1885)*, p. 42. The Lincoln Brotherhood, in Florida, was conducted by one clique of carpetbaggers while the Union League was run by another clique. Later the two orders united. [1866-1868]

THOMAS W. OSBORN, the Commissioner of the Bureau for Florida, stationed at Tallahassee, . . requested a meeting of three or four of the most influential colored men at the house of a colored man. . . He met them there and informed them that it was the desire of the government that they should form a secret league to prevent their being again returned to slavery. This was sufficient to bring out the old and the young, the halt and the blind. In order to deceive and allay any apprehension in regard to the purpose of the gathering, they were instructed to answer any question by saying that the assembly was for the purpose of forming a benevolent society. At the appointed time several hundred freedmen assembled, but only seventy-five or eighty were initiated the first night, as it was deemed wise to impress them with an air of deep solemnity and great formality.

In order to work the negro with greater facility in the interest of Osborn and his gang, this secret league was named the Lincoln Brotherhood, and T. W. Osborn made himself its president, and he became the grand head-center of all the leagues and subordinate lodges subsequently formed throughout the county and State. Each member had to pay an initiation fee of from one to two dollars, and fifty cents per month thereafter. . . The freedmen considered this league a great thing, and their meetings at the church were carefully guarded by armed sentinels, who halted anyone who came into the vicinity of the church, requiring the countersign under penalty of the contents of the old musket. Auxiliary lodges were formed in every part of the country and throughout the State. The regular meetings of these lodges were held every Thursday night, in the most secret places to be secured. One who was

ignorant of the purposes of these assemblies would be led to believe that the freedmen were preparing to massacre all the white inhabitants of the country. The rattling of the swords and handling of the muskets seemed to be the pride of these men. Many of them believed that the joining of the league made them brothers of the martyred Lincoln.

The Red Strings and the Union League

Outrages in the Southern States (North Carolina, 1871), part 1, p. 199. Statement of B. F. Moore, a North Carolina Unionist. [1863-1871]

THERE was an organization at the close of the war, which has existed since, called the Heroes of America, or the Red Strings. I became acquainted with it just at the close of the war, when some of the members were apprehended as being inimical to the confederacy and as having entered into a secret conspiracy to overthrow it. . . They applied to me as a Union man for the purpose of getting them discharged from arrest. In that way I became acquainted with their organization and their oaths. The only objection I saw to any portion of their oath was, they swore to come to each other's aid in distress. . . That organization continued some time after the war, as I understood. . .

The next organization of which I have any knowledge was that of the Union League, which arose immediately after the colored people got power. . . The avowed object of that was that they should all act in unison, and they have carried it out very faithfully. I have never seen a more compact league than that has been. . .

Governor Holden was at the head of it.

3. METHODS AND INFLUENCE OF THE UNION LEAGUE

Methods of the League

Ku Klux Report, North Carolina testimony, (1871), pp. 246-251. Testimony of a Conservative lawyer in North Carolina. [1867-1871]

THIS danger to property arises from these Loyal Leagues. There have been a great many lawless acts committed by the Loyal Leagues, . . the burning of barns, the destruction of cattle, horses and mules. . .

[The Leagues]are chiefly composed of negroes and low white people. In the county adjoining the one in which I live, . . within the last eighteen months, there have been a great many outrages committed — burning of barns and dwelling-houses. . . Those persons who had been arrested said that their directions to burn them had come from the city of Raleigh, from the chief leader in Raleigh. . . [The League] is governed in the most remarkable manner, controlled from one end of the State . . to the other. . . At our last congressional election a candidate was run on that side whose name had not been mentioned previous to the day of the election, that I had heard, or that had been heard by a great many others, yet there was an almost unanimous vote throughout the whole district for that person . . on the part of the Radical party, or the League. . .

Several gentlemen told me that they were in danger of their lives; that they were informed by some of the League-men that they were to be killed; that they were to be hanged; and the manner in which it was to be done was detailed; . . that there were several men who were to be punished, just about the election or before the election. . .

If there had been no Loyal League in North Carolina, there would have been no Ku-Klux, or clubbing together of the white people there. . . Still the negroes operate upon each other, so that one dare not depart from the ranks; they are arrayed yet in a solid phalanx.

Teachings of the League in North Carolina

Ku Klux Report, North Carolina testimony, pp. 309-312. Statement of a Conservative. [1866-1871]

THE colored people of North Carolina . . have, since the passage of the reconstruction measures of Congress, been taught to believe by the leading members of the Leagues that the white men of that country are their enemies; that their only friends are the northern men, and those who have gone with the northern men in giving them suffrage, etc.; that it is the desire and deliberate purpose of the white people . . to restore slavery at the earliest possible moment. The negroes themselves say that they have been taught to believe (they have told me so), that such is the purpose of the white people of the Southern country. As a matter of course the negroes are ignorant and superstitious. They are taught to believe that the armies of the United States emancipated them, that the Government of the United States was their only protector, that the Southern people were their enemies. . . They have been alienated in that way from the white people, and remain so to a great extent, though a large number of them are willing to believe that the representations that have been made to them in regard to the restoration of slavery in the Southern States are false. . .

About the time the Leagues were being organized, or rather reorganized, in that country, the influence of these men was very bad indeed. As I stated awhile ago, the negroes were made to believe that the white people were their enemies; that they were seeking the first opportunity to put the negroes back into slavery. That is being told to the negroes even to this day [1871] by a number of men. In fact it is the chief stock in trade of a number of men in that section of the country. A great many honest men, even on the Republican side, say there is no danger; but others . . tell the negroes that there is. The negroes at one time expected the confiscation of the property of the Southern people. . . They were so told. I have myself heard several negroes say that they were told that the lands of the Southern people would be confiscated, and that

they were promised lands, horses, etc. — forty acres in real estate for each negro, . . and a horse or a mule. Some of the negroes of my county say that the chief man of the Leagues in 1867 and 1868 — Mr. Elliott, who has since died — boldly stated in the League meetings that such would be the policy adopted. . .

I know instances in which their advice has led to riots and bloodshed on the same day they have held their public meetings. It was so in one case in my own village. Mr. Justice came to my town in 1868 . . [and addressed] some five hundred negro hearers, in a very excited manner, telling them that the white people were their enemies; that they should believe nothing said to them by the southern people generally; that they were only seeking to put the negroes back into slavery and would do it as soon as they got control of the State Government. . . Mr. Justice said afterward that he did not advise riot at all; but the manner in which such men have addressed these ignorant, superstitious people has caused them to commit many acts of violence that they would not otherwise have done. . .

The negroes in my county had three places where they were meeting at night and drilling. One place was their League-house. They were stationing their sentinels on the highways . . and were halting white people on the roads, and . . not allowing them to go by. In the extreme northern part of my county where the Republican vote is strongest . . the negroes had another place of meeting; in the town of Shelby, in which I live, they had a place where they were meeting and drilling at night. The people were alarmed. . . They did not know with what object the negroes were meeting and carrying on these operations. They thought that the lessons which the negroes were being taught in the League were leading them on.

Union League Influence in Elections

Ku Klux Report, Alabama testimony, pp. 227-233. Statement of Gen. James H. Clanton, Conservative. [1871]

THEY were all armed. They had half a dozen League rooms

. . in our city — several at least — and they were under the control of very bad men — adventurers. A great many had got hold of muskets, and had organized in companies and battalions. This was another reason urged for [the whites] not going to the polls, that it might lead to a war of races. The election [1868] came on. The white people did not go to the polls. . . But the negroes marched to the polls by battalions, armed with muskets and stepping to the beat of drums. They stacked their arms around the polls, some standing guard. There was great confusion, and in the evening, in Montgomery, they got on the rampage and commenced firing their guns, the balls whistling through the houses and lots. They continued it in the night until Colonel Crittenden, the Federal commander, being afraid of the results, disarmed them as far as he could reach them. But many remained in the outskirts of the town firing their guns. The balls flew around my house pretty thickly. . .

The Loyal Leagues and their counselors resort to all sorts of devices, according to circumstances. For instance, they have commenced the campaign [1871] in Montgomery for the election of sheriff and tax collector in November next. Last week I was informed that Sheriff Barber and Mr. Coffin — both republicans — went out to a negro-baptizing about five miles from town, took a bottle of whisky, let the negroes drink first, and then they drank. They go around to all the negro picnics cultivating the negro. They have them at their houses, and they have music. . . The wife of one of them performs on the piano for political effect, it is said. The prospective candidate dines them at his house, and they resort to secret councils.

Barn Burning by the Union Club

Outrages in the Southern States (North Carolina, 1871), part ii, pp. 41, 43. Testimony of negro members of the Union League. [1871]

I AM a member of a club to meet the Ku-Klux; . . I joined last spring; I joined at Jim Howell's; he called all of us together to hear Governor W. W. Holden's orders; I went to Jim Howell's; . . he had called in all black in the neighbor-

hood. When the crowd got there, he got out the orders and read them. The orders was for us all to join together in a club called the Union Club. . . They were talking of burning Mr. Calvin Branch's barn. We met there a night afterwards, and the orders was read that we received from Governor Holden; . . We were sworn in the first night we met, and they elected me captain. When the orders was read, I told them I would resign, and have my name scratched off. The order was for us to attack the Ku-Klux, and burn out all we thought was Ku-Klux. Then Jim Howell read over Jo. Norris's name, at the head of the list, and some other white man; don't recollect what this name was; do not know who was along when Mr. Branch's barn was burned. Rufus Howell, [and others] burnt Mr. Jesse Burt's dwelling house; . . If any man told the secret about this company they were to be killed and put out of the way, and nobody to say anything about it. That was in the orders of Governor Holden. We were to give signs to know one another with our three fingers, by touching our breast, elbow and thumb. There was five words also given us, which was, Lincoln, Liberty, Loyal, Union, League. To the best of my knowledge, them was the words that was read out of a little blue-back book. Charles Adkins told me they were going to fire Thomas Luther's barn, and told Jeff Mims to take his wheat out if he had any in it, as it was going to be the next barn that was burned. . .

There is a company formed for the purpose of burning and shooting called the Red Cow-Lick. I am a member of that Company. I joined last October was a year ago. I went down to Jim Howell's to go in. There was present at that meeting Joe Dennis, Brittain Beckwith, Wilson Dewer, Sam Clemons, Jim Howell, and his two sons, Rufus and Henry. Wilson Dewer was captain, Jim Howell was secretary, Sam Clemons was orderly. Jim Howell took in our names and swore us in. Do not recollect the oath, but we took one that we would all club together as one, to burn barns, and to shoot in neighborhoods where there was any Ku-Klux. If we told anything about it, the password, or anything about whose barn

was burnt, the rest of the company would kill us. There is a great many who belong to the crowd.

The Union Leaguers and the Courts

Outrages in the Southern States (North Carolina, 1871), part I, p. 368. Testimony of Josiah Turner, formerly member of the Confederate Congress, later Republican. [1871]

In Wilson County a negro, who voted the democratic ticket, was taken out of his house and whipped; they gave him two or three hundred lashes. . . [This was done] by the Leaguers; and when the attorney for the prosecution, Mr. Dorsch, proposed to prove that it was by order of the League, the judge ruled it out as irrelevant. He offered to prove that it was by order of the League that this negro was taken out of his house and whipped. They were indicted and sentenced to thirty and sixty days imprisonment; but Governor Holden, who at the time was president of the League, pardoned them in a very few days. Then there was another instance, Major Tappan, who is a carpet-bagger and lives at Brattleboro, issued an order, as president of this League, to bring a negro of Nash County before the council of the League. He was brought there and after keeping him for some time, part of a day and night, in great terror, they resolved to refer the matter to the Governor, who was the president of the League. Major Tappan was indicted in Edgcombe County, the county where he issued the order, and where the League met; and he was sentenced to six months' imprisonment. The negroes who lived in the adjoining counties, a mile or two off, and who arrested this negro by order of the president of the League, were indicted in Nash County, and put in jail for some length of time. . . And the president of the League who issued the order for his arrest, and the negroes who arrested him, were convicted and sentenced. But the commander of the district . . sent soldiers with bayonets to open the jail and let out the major; and then the major got an order to let out the negroes who had been sentenced; so that the punishment was not inflicted. They were sentenced, though, and were in jail, all of them; but the commander released them.

. . In Wake County there has been great disturbance, house-burning and barn-burning. One witness was shot, and when he was *in extremis* he made a confession upon the subject. He said they had met at the house of a colored man, a preacher, and had resolved to burn so many barns; Mr. Branch's barn among the rest. They appointed a committee, so that in case any one should come out to extinguish the flames they would fire on him. Two or three of them turned State's evidence, and one of them stated before the magistrate that the meeting was first called at this negro's house by order of Governor Holden, though the governor was not at the meeting, and that they were resolved to burn so many houses and so many barns, and detailed men to shoot at parties while the fire was going on, if they came to extinguish it. Branch's barn was set on fire, and when he discovered the flames he ran out to it, and he was fired upon some twelve or fifteen times.

A Negro's Opinion of the Union League

John Wallace, *Carpet Bag Rule in Florida* [1885], p. 46. Wallace, it appears, belonged to the Union League and also to the Lincoln Brotherhood. [1866-1868]

The freedmen were required to join the Loyal League of America. A new application had to be made, another five dollars initiation fee had to be paid, with a monthly due of not less than ten cents, or whatever the President should require. In the Grand Council at Tallahassee, or at the office of Richards and Saunders, whenever an influential freedman applied for initiation, and they thought he could raise the money, they would charge him fifteen or twenty dollars to become a member of the league. Charters for the organizations cost five dollars, and whenever the deputies could succeed in wringing it out of the people, they would charge them a greater sum. These fees were divided with the President of the League in Tallahassee, William M. Saunders, who constituted himself the Grand Council; and whenever he could make the deputies come up with the cash he would pocket the money. Grips, signs and passwords were given to the freedmen in these lodges, and they were told that they had

received something beyond the reach and conception of their former masters, which led them to believe their late masters had no rights that they were bound to respect. This nefarious teaching made many of them very obnoxious and overbearing members of society. Thousands of dollars were wrung from the hands of our people by these devices. They were assured in these league meetings that the lands and all the property of their former masters would be equally divided among the former slaves, which led many to indolence. They were further instructed that the oath which they had taken in the League was of such a nature that they could not vote for any Southern white man for office; that to do so would cause their return into slavery. To rivet these teachings upon their consciences, violent speeches would be made in the lodge-rooms, and often in public, in denunciation of their former masters, who, in turn, had their hands full to explain and satisfy our misguided people, the best they could, that the men who were organizing them into secret lodges were mere demagogues for the sake of office and their worst enemies. This argument set some of our people to thinking, and but for this and the influence of the more sensible of the colored people, the property of the country would have in many instances been destroyed by the midnight torch. . . There is no disputing the fact that the fears of the whites with reference to these leagues were well founded; for the men who controlled them had really nothing in view but public plunder.

VIII

CARPETBAG AND NEGRO RULE

INTRODUCTION

THE best known facts of Reconstruction are those which relate to the bad government of the period — the ignorant and corrupt officials, public frauds, corruption in politics, Federal support of objectionable administrations in the South, etc. Most of the comment upon the Reconstruction governments has been unfavorable, since all of them failed to give administrations that would justify their existence. Their failure was due mainly to the inefficient and corrupt ruling class placed in power by the Reconstruction Acts. The leading whites were disfranchised by the Johnson plan and this disfranchisement was continued and extended by the Reconstruction Acts, the new State constitutions, and the Fourteenth Amendment. In most of the states the Conservative whites were thus left in a minority and, being without leaders, were of little influence in the government. The new ruling party was composed of three distinct divisions — a small number of whites from the North, a small number of native whites, and almost the entire negro voting population. Circumstances were not favorable to public virtue, and the state and local governments suffered. The best of rulers would have had great difficulty in meeting the problems of the time. These weak and corrupt rulers failed in nearly every respect; their history is a history of fraud. This was not necessarily due to negro suffrage, but to the leaders in control of the negroes. The Conservative whites had found and continued to find it impossible to influence the politics of the blacks; the latter were firmly under the control of

Radical whites — northern and southern. There is no indication that any of these leaders thought of making any other than corruptly selfish uses of the support so freely and innocently given by the freedmen. The governments were no more for the good of the blacks than for the good of the Conservative whites — in fact the blacks were the more injured.

The most extensive public stealings were in Louisiana, South Carolina, Tennessee, Arkansas, and Alabama. Georgia, Mississippi, Texas, and North Carolina suffered less. Railroad and bond swindles were etxensive in all the Southern states except in Mississippi where the constitution forbade bond issues. In every state the counties and towns in the black districts were plundered and left with heavy debts. The organization of the negro militia which caused so much trouble, took place only in North and South Carolina, Florida, Mississippi, Louisiana, and Arkansas. In North Carolina, Tennessee, and Arkansas the Radical white militia proved to be more objectionable than the black.

After the beginning of the Reconstruction in 1868, their history is divided into four periods by the following dates: (1) 1870, which marks the close of the greatest activity of the Ku Klux organizations and the escape of Tennessee, Georgia, and North Carolina from Radical rule; (2) 1872, which marks the failure of a series of attempts at reform by the best elements in the Radical party in the Southern states, leaving the worst element in firm control, the extension of Federal control in the South under the Enforcement Acts, and the growth of sentiment in the North against the misgovernment in the South; (3) 1874, which saw the whites regain control in Alabama, Arkansas and Texas, and (a year later) Mississippi; (4) 1876, the year of final overthrow of Radical rule in the South, the

restoration of Louisiana, Florida, and South Carolina to the whites and the withdrawal of Federal troops.

But for outside influences these changes would have taken place earlier. Within the Radical ranks, after 1868, there were indications of divisions which the Conservatives uniformly encouraged and assisted. The negro vote was almost solid but was led by the carpetbaggers; the scalawags were often left out when the spoils were divided, and besides they had never been sympathetic with the negro. There were a few troublesome reformers among carpetbaggers, scalawags and negroes who were disposed to unite with the Conservatives in order to bring about better government; later the negro leaders began to demand a larger share of the offices because their race furnished most of the votes; and lastly with the decay of party discipline independent candidates — formerly Radicals — became numerous, thus dividing the negro vote. But for years these causes of weakness were kept under control by strict party discipline, by the activities of the highly centralized state governments which placed all political power and patronage in the hands of the governors, and by the favor of the Federal government.

The Washington authorities freely gave support to the carpetbag and negro governments and in case of division invariably gave assistance to the more Radical faction. This support took the form of patronage, and Federal troops and deputy marshals to uphold officials and influence elections; President Grant and Attorney General Williams, both frankly radical in sympathies, settled the question of disputed elections and dual governments in several of the states — Alabama, 1872; Arkansas, 1872, 1874; Louisiana, 1872, 1873, 1874, 1875. From the beginning to the end the support of the Federal authority was necessary to prevent the downfall of the Reconstruc-

tion governments. To provide for this assistance the Enforcement Acts were passed and for a while the policy was successful, but it failed at last because of the inherent weakness of the carpetbag-scalawag-negro governments, and the Southern states gradually passed into the control of the whites.

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1. THE NEW RULING CLASS AND THEIR ADMINISTRATION

Governor Warmoth of Louisiana

House Report no. 92, 42 Cong., 2 Sess., p. 24. Report of Messrs. Speer and Archer of the Congressional Investigating Committee. [1872]

HE is a native of Illinois; entered the Army from Missouri a democrat; had trouble with General Grant after the battle of Vicksburgh; was charged with circulating exaggerated reports of the Union losses there; was dismissed the service by Grant, and was restored to his command by President Lincoln, his dismissal having been unjust, and procured through questionable motives. He retired from the army in 1865; went to Texas; was indicted there for embezzlement and appropriating Government cotton. Carter acted as his attorney; but when the case was called no prosecutor appeared, and the prosecution was abandoned. He returned to New Orleans, and before the reconstruction of Louisiana he was elected [by the negroes] a delegate to Congress, each voter depositing with his ballot fifty cents to defray Warmoth's expenses to Washington. He had been governor four years, at an annual salary of $8,000, and he testifies he made far more than $100,000 the first year, and he is now estimated to be worth from $500,000 to $1,000,000. . .

His is not the only illustration of the profitableness of Louisiana politics. One of his appointees, a tax-collector in New Orleans, receives in fees and commissions over $60,000 a year.

The Carpetbag Governor of Arkansas

Courier-Journal, January 25, 1869, in Harrell, *Brooks and Baxter War*, p. 69. Clayton was governor of Arkansas from 1868 to 1872. [1869]

DURING the rebellion, Clayton commanded a brigade of the best cavalry in the Union service, and commanded with vigor. After the peace, he tried conservatism; found it unsuited to his

purpose; plunged into radicalism, and now openly declares *his purpose to depopulate* the State and repeople it with loyal negroes. Tranquillity would be fatal to his plan. The distance between him and Washington; the friendliness of the Government; the ease with which his acts may be concealed, and the acts of the people misrepresented, make him bold and careless. He knows his game. He has studied the ground. And he will not fail. . .

Old party differences have nothing to do with the matter. The term "rebel" is only used as a pretext. One of Governor Clayton's agents is a rebel bushwhacker whom I captured and tried by a drum-head court-martial in 1864. He escaped *my* halter to become the surer prey of my superior officer, whose confidential friend he is now, and has been for months. The very meanest cut-throat in all the militia was a [Confederate] private in Terry's body-guard and afterwards a scout for Wharton and Harrison! . .

I do not say the people are unoffending. They resist as desperate men only can resist. But if they *did not*, it would be all the same. Clayton's policy is extermination. Nothing can divert him. He is not a milk-sop, but a man of genius, and the field is fruitful. All that he has to do is to pass his scythe over the land, and reap a full harvest of *blood*, which is the *cement of his power*.

The Governor of Florida

Wallace, *Carpet Bag Rule in Florida*, p. 334. Stearns was governor of Florida 1874-1876, and was renominated in 1876. [1876]

ON the other hand, the Republicans witnessed the spectacle of their candidate for Governor [Marcellus L. Stearns] being charged with stealing the meat and flour given by the government as a charitable contribution to helpless men, women and children, who had just emerged from two hundred years of slavery, many of whom were clad in rags:[1] the second man on their ticket, Daniel Montgomery, publicly charged with arson;

1. Stearns, as agent of the Freedmen's Bureau, sold the supplies that should have been given to the blacks.

the third man on the ticket, W. J. Purman, burdened with the crime of causing the slaughter of the innocent victims of the Jackson county troubles; and the fourth man on the ticket, Col. Horatio Bisbee, having arrested Democratic members of the Legislature on trumped up charges, in order to give the carpet-baggers a majority, and further, with attempting through the agency of Stearns of attempting to fasten the illegal four millions of bonds upon the State. The Colonel had for several years been United States District Attorney, during which time these acts were committed.

High Price for a Governor

Report on Public Frauds in South Carolina, p. 317. Moses was speaker of the House 1868-1872, and Governor 1872-1874. Besides this bribe he testified that he received when speaker $25,000 at one time and $15,000 at another, besides smaller sums and "divisions." He was a scalawag. [1873]

Columbia, S. C., October 16, 1877.

PERSONALLY appeared F. J. Moses, who, on oath, deposes and says:

When, as Governor, I approved the large printing bill for the Republican Printing Company, during the session of 1872-73, I received from Mr. Woodruff the sum of fifteen thousand dollars, I think. The money was paid in a check drawn by LeGrand Benedict in favor of Hardy Solomon, and the sum of money was turned over to Messrs. Seibels & Ezell as the first payment on the purchase of the Preston mansion.

South Carolina Supreme Court

Report on Public Frauds in South Carolina, p. 296. Extracts from the diary of Woodruff, clerk of the State Senate. Judge Wright was a Massachusetts negro. Except in Arkansas, Louisiana, and South Carolina the Supreme Courts were fairly decent bodies. [1874]

Thursday, July 2, 1874.

SAW Wright. He wanted me to raise him $2,500, and said he would give me the decision by 6 o'clock if I would get that amount for him. He suggested I should try ex-Governor Scott, but it was no go. Scott said he did not want the *man-*

damus unless it could be issued for legislative expenses as well as for Frazee, Rose and the printing company. Went back and told Judge Wright so. Wright asked me to telegraph for Jones, and I did so, but failed to bring him. Very much troubled about *mandamus*.

Friday, July 3, 1874.

Met Judge Wright again to-day, and told him I was unable to raise the money. He urged me to another trial. Found it was nothing but a strike of the Judge to get money in advance of the decision, but if the Judge can't trust us we ought not to trust him. Cardozo thought it was a monstrous thing for a Court to act so, but it's hard to beat such a monstrosity as Cardozo. I believe he is in concert with Wright to get our money and then file an opinion against us. Governor Moses wanted $50 for 4th July, but I could not raise it for him.

Tuesday, July 7, 1874.

Met Judge Wright in street car to-day and had a short interview. Could not give him any assurance of money. Feel indifferent as to whether *mandamus* is granted or not.

Thursday, July 9, 1874.

Met Judge Wright this morning. He said he had the decision in his pocket and would let me have it on my giving him the money. Told him I was not able to make the ripple. He thought if I went to Columbia it might be done. There may be some game up, and if so I must try to steer clear. I know Cardozo wants, or appears to want, to catch Judge Wright. He will not do it with my assistance.

County Officers in Mississippi

Nordhoff, *Cotton States*, p. 75. [1875]

THE Ames Republicans [in Mississippi] have unscrupulously used the ignorance and greed of the negroes to help them in their political schemes. Controlling the negro vote and using it as a solid mass, they have put into such offices as county supervisors and treasurers, as well as into the Legislature, ne-

groes who were often not only unable to read and write, but who were notoriously corrupt and corrupting demagogues. For instance, the late treasurer of Hinds county, in which the State capital lies, was a negro who could neither read nor write, and who was killed by another negro a few weeks ago for a disgraceful intrigue. In the last Legislature were several negroes who could neither read nor write. It has happened that the members of a grand jury were totally illiterate. A city government was to be elected last August in Vicksburg, and the Republicans nominated for mayor a white man at the time under indictment for twenty-three offenses, and for aldermen, seven colored men, most of them of low character, and one white man who could neither read nor write, the keeper of a low groggery. . . Of the present supervisors of Warren county (Vicksburg), the president and two others cannot read. It is a notorious fact that Governor Ames has appointed to judicial places men ignorant of law, and that he has used his appointing power to shield criminals, who were his adherents, and to corrupt the judiciary of the State.

Justices of the Peace in North Carolina

Outrages in the Southern States, part II, p. 17. Statement of B. F. Moore, Unionist, Republican. [1871]

A LARGE portion of the gentlemen of North Carolina who had been in office in former times, who had taken just such a part in the rebellion, against their will and wishes, as to make them obnoxious to the provisions of reconstruction, were kept out of office. There is nothing . . that tends more to the security of life and property than the respectability of subordinate magistrates. . . A great many of the new appointments were of men of known bad character, men convicted of theft, or accused and believed to have been guilty of theft, and men who could not read or write. Why, sir, precepts have been brought to me issued by justices who were not able to sign their names, but who made their mark. Justices who tried important cases, involving misdemeanors for which the parties might be sent to

jail, could not write, and had to make their mark for their signature.

Complaint of a "poor, persecuted Unionist"

Ku Klux Report, Alabama testimony, p. 1832. Statement of Samuel A. Hale, brother of John P. Hale, of New Hampshire. Such men were gradually driven over to the Democrats. [1867-1868]

THEIR election was the most ridiculous farce ever beheld. I wish you could have seen the poor, ignorant blacks giving in their "bits of paper," as they called their printed ballots, when they knew no more of the names on them, who they were, what they were, than you did at the same time in your far-off home. . . In all the elections ever held in the United States, there has not been so much fraud committed as there was in this one. [1867]. The negroes think they have been greatly wronged because they have not been paid for voting. Of the three delegates sent from this county, two were white and one was black. The two whites were strangers here. . . One of them, called Rolfe, is said to be a vagrant from the State of New York, where it is said he has a wife and family living, whom he has not seen in four or five years. . . He had been here some three or four months prior to his election as a delegate, sometimes working as a carriage trimmer, sometimes drinking whisky and making drunken exhibitions of himself upon our streets. . . Of the other white delegate, called Yordy, . . I had never heard of him until the day of his nomination. Neither of them ought ever to have been thought of for the responsible station to which they were elected. Nor would they have been thought of had the nomination of delegates been left to the white Union party of the county. It did not, however, suit the purposes of the military power that now so insolently tramples upon the people of this State to leave the nomination of delegates to the Union party. Emissaries were sent here by military officers,[1] who are now themselves candidates for election, and the nomination of these men forced upon us. Unfortunately for us, poor proscribed members of the Union party, these military men

1. Officers of the Freedmen's Bureau who had been in the Army.

have too much influence with our ignorant black population. . . It places every interest of the State at the disposal of the negroes. Every office, from governor to constable, from the chief justice of the supreme court to the magistrate of a county beat, is made elective and placed at the disposal of the blacks, not one in five hundred of whom can either read or write, and who know no more of what they are doing, when they vote, than would a hog or mule know, if those brutes had the privilege of voting. . .

That these two races — the white and the black — can live under the terms imposed by the reconstruction acts, . . is absolutely impossible. . . The circumstances under which these two races find themselves here, since the emancipation of the blacks, are sufficiently antagonistic of themselves to cause serious apprehensions in the minds of all thinking men, even now. These apprehensions are greatly increased by the provisions of the new constitution, which secures the supremacy of the black race. . . The reckless and unprincipled adventurers who have come among us from the Northern States and affiliated with the blacks, . . assemble the negroes in large numbers, in convenient places, or meet them in the Union Leagues, and address them in inflammatory speeches, upon the treatment they received from their masters while they were slaves, and they warn them against their former masters, telling them that the only friends they have in the South, are the men of the northern army who came here and fought for their liberation from slavery. . . First, we have Tobias Lane, as nominee for the probate judgeship of this county. Lane is a stranger here, from Ohio, . . is altogether ignorant of our laws; and it is not pretended, even by his friends, that he is qualified for the office. He has been put in nomination over the present incumbent, a long-tried and worthy member of the Union party, but who had the misfortune to have been a slaveholder. The second is Yordy, . . [who] claims to have been a captain in the Federal Army; hence the secret of his nomination for the senate from this county. The candidates for the lower house of assembly are one white and two black men. The white man, when last seen here in this town, was an inmate of our county jail. . . No one knows who

he is or where he came from. Then we have two brothers of the name of Cecil, from Ohio; the one for sheriff and the other for treasurer of the county. The would-be treasurer is now engaged in partnership with a negro in the retail grocery business here — in vulgar parlance, keeping a negro doggery. . . Another stranger, of whom I never heard before, is in nomination for the office of tax-assessor. For the important offices of commissioners of revenue and roads, we have one white man, of whom I never heard before, and three negroes. I have been thus particular in the mention of these candidates, not only on account of their being entire strangers among us, and of the way in which their nomination was effected, but more particularly for the purpose of calling your attention to the following facts in connection with the election at which these delegates are to be chosen. Lane and Rolfe are candidates for the two most important offices in the county — probate judge and tax-collector. They are also members of the board of registration, and, by virtue of their office, managers of the election.[1] . . Was it ever before heard of, that candidates for office in a popular election were not only the managers of the election, in which they were to be chosen, but were also clothed with the power of determining who shall and who shall not vote in their election?

Carpetbaggers in Louisiana

House Misc. Doc. no. 211, 42 Cong., 2 Sess., pp. 454, 478. Statements of (1) B. F. Joubert, quadroon, and (2) S. W. Scott, former United States Army officer. Both were Republicans. [1872]

[1] THE ignorant class of the colored people are very ambitious. They think they can hold almost any position; and I think it was a class of white men who are here who have pushed them for that. . . They are worse than anything. They came here to make money, and fill their pockets, and go away. None of them have any residence here; some of them, perhaps, have; I do not speak of all. . . [They are] . . the worst enemies of the negro too. They just want to use the negro for their own benefit. . . I think the governor [Warmoth] has very bad

1. All of these men were elected.

advisers — that ambitious men are using him for their own purposes. They have already made fortunes; they are all rich. . . I think a man who comes from the North here for honest purposes is just as good as a man born in the South. . . We have some of them in our midst who came here simply to make money, who came here without any intention of taking up their residence. . .

I do not denounce the republican party. There is no truer republican, or more radical republican than me. . . I denounce those northern men who come here to hold office only, and when they lose their office they go away. . . I denounce bad men who came here to make money out of their offices and then go away. I think any man, wherever he is born — even if he is a foreigner — has no right to come here and make money out of an office and then go away. . . I did not denounce any northern men. They are our friends. I denounce those who come here to suck our blood. . . There are some of them who have come here, made money — are rich, but they do not own an inch of land in the State. . . We would like to have northern people come here, and if they come here and behave themselves honestly they are well regarded by every man, and the colored people very much. . . I do not go to a poor colored man, pat him on the shoulder, and use him to make money out of him. . .

What we call a carpet-bagger is a man who comes here, as I said, to occupy public position, and make the best of it, and then leave the State where he has made his money. . . There is Mr. Conway, superintendent of education. His wife is very often away, and they do not keep house. That is the reason they call them carpet-baggers; they do not bring their families here. . . The Southern people have been deceived a great deal and taken in by strangers. . . The northern people who come here prejudice the blacks even against me and my class of people. They call me an aristocrat, and put into the heads of the black people that I am an aristocrat. They will associate with the negro, because they want to use him and get his vote; but as soon as they get his vote they don't care about him. They want to make money out of him and get a position. . .

[2] I understand the use of the term carpet-bagger, as it is used by the respectable citizens of the State of Louisiana, to mean northern men who come here expressly for political purposes, and excite the animosity of the colored class against their old masters for the purpose of receiving their votes and obtaining office. These men locate themselves in different portions of the State, and fill any place they can get, without any reference to the location where they are supposed to reside, and, as it is generally believed, obtain these offices for the purpose of robbing the people, having no intention of remaining here after the time when they shall stop making money through their official positions. . . I have traveled extensively through the South — through nearly every parish of the State of Louisiana. I am what is termed by many a carpet-bagger; but I have never yet seen the place where I have been better treated or received than in the South, by the old families and residents here.

The Republican Party in the South

Nordhoff, *Cotton States*, pp. 24, 43, 110, 112. [1875]

No men ever had a greater opportunity to serve their fellow men and their nation than the Republicans who undertook the work of reconstruction in the South; and they could not have desired greater power than was given them. Had they used their power as statesmen, or even as honest and unselfish citizens, not only would the [Southern] States . . today have been prosperous, and their people of both races contented and happy, but there would now have been, in every one of them, a substantial and powerful Republican party. . . They [the Northern Republicans] chose for their allies in the South men like Spencer in Alabama, Ames in Mississippi, Kellogg and Packard in Louisiana, Dorsey and Brooks in Arkansas. . . They suffered the most shameless public plundering to go on in those States without inquiry. They confided the Federal power and patronage to men, many of whom would today be in State prisons if they had their dues. And they have, as the result of their carelessness, seen State after State fall into the hands of the Democrats, and, in a large part of the Union, the name of Republican

made odious to all honest and intelligent men; while they have crushed to the earth a considerable number of honest Republicans in the South. . .

You cannot travel far in Louisiana without discovering that the politicians who, . . rule it, and have done so for the last seven years, in all the departments of its government, State and local, are vehemently and unanimously detested by the white people. I have been amazed to see how all white men, and many blacks, . . whether rich or poor; whether merchants, mechanics, or professional men; whether Americans, French, German, Irish, or Italian by birth: absolutely all, except the office-holders and their relatives — unite in this feeling of detestation of their rulers. It expresses itself so vividly at the polls that . . only five thousand whites out of over ninety thousand supported the Republican ticket at the last election; and it is a fact that most of these five thousand are office-holders, the greater part being strangers in the State. . . I have found scarcely a colored man out of office, who did not complain to me that the Republican whites are as faithless to their duty as they believe the other side would be.

Now, this small band of white men have for more than six years monopolized all political power and preferment in the State. They have laid, collected, and spent (and largely misspent) all the taxes, local taxes as well as State; they have not only made all the laws, but they have arbitrarily changed them, and have miserably failed to enforce any which were for the people's good; they have openly and scandalously corrupted the colored men whom they have brought into political life; they have used unjust laws to perpetuate and extend their own power; and they have practiced all the basest arts of ballot-stuffing, false registration, and repeating at election after election.

The Alabama Legislature

Annual Cyclopedia, 1870, p. 12. [1870]

Many facts relating to the legislative body of Alabama at the session of 1870 were publicly announced which were unfavorable to its ability. Several dozens of engrossed bills were re-

turned by the Senate to the Lower House, and others returned by the House to the Senate, for the purpose of having their gross errors in the spelling corrected. In some of them the word expressing the object of the bill was changed into another by mistake. Both Houses appointed committees to inquire into this matter. The Lower House expelled one and did all but expel another of its clerks on that account. A member of its committee declared, however, that the fault was not in the clerks, but in the members of the House, who could not spell correctly. Hence the appointment of a special clerk was proposed, whose duty it should be to revise the spelling of the bills, and attend to their correctness. In the Senate the committee reported that they could not find who the incompetent clerk was; and one of its members publicly averred that there were senators who could not write three lines correctly. During the session it was insinuated in the public papers that members of the legislature could not write their names. The Democratic and Conservative State Committee . . in an address to the people of Alabama, [stated]. . . "You would find members of the General Assembly unable to read or write — incapable of understanding the meaning of a law after being enacted by their votes; and unable, perhaps, to explain what measures they had voted for or against."

"The Smelling Committee"

Wallace, *Carpet Bag Rule in Florida*, p. 103. Wallace was a negro senator from Leon County. [1869]

The colored members of the [Florida] legislature who had heretofore been content with the salary which was provided by the Constitution as their pay now [1869] began to learn something of the meandering ways of their carpetbag leaders. They began to inquire how their white brethren could handle so much money, when they got no more pay than they did. . . The colored members, . . began to hold separate caucuses, and finally they elected a permanent chairman of the caucus, and that chairman appointed a committee of three to ferret out all

the schemes which looked anything like money schemes. This committee was styled "the smelling committee." The duty of this committee was to visit the hotels and private rooms of the carpetbag members and ascertain . . whether there was anything or things, measure or measures before, or likely to come before the legislature at that session which the carpetbag brother could make money from, and if so to report the same to the caucus. . . The chairman of the caucus was empowered to inform any party or parties who were in need of votes in the legislature to pass measures, the number of votes that could be had and the amount required to satisfy the members of the caucus. When any money was received from this source it was to be equally divided among the members. This plan worked for some time but no money was forthcoming. . . The members began to perceive that the chairman was getting very flush with money, and they naturally became suspicious that he was playing carpetbagger on them. . . He at first stubbornly denied having received any moneys for the caucus, but a party who had given him money for the caucus, finding his measure fought in the legislature by members of the caucus, found fault with some of them. . . The note in which the complaint was conveyed was to the effect that he had made "the boys" a present of —— dollars which he had handed to Mr. S. The chairman having been convicted of the charge, now declared that the money was made a present to him individually, and refused to make a division. This broke up the caucus arrangement, and after that time each member of the caucus struck out for himself.

A Negro Legislature

Pike, *Prostrate State*, p. 12, *et seq.* A "Liberal" Republican's description of the South Carolina legislature in 1871. [1871]

In the place of this old aristocratic society stands the rude form of the most ignorant democracy that mankind ever saw, invested with the functions of government. It is the dregs of the population habilitated in the robes of their intelligent pre-

decessors, and asserting over them the rule of ignorance and corruption. . . It is barbarism overwhelming civilization by physical force. It is the slave rioting in the halls of his master, and putting that master under his feet. And, though it is done without malice and without vengeance, it is nevertheless none the less completely and absolutely done. . . We will enter the House of Representatives. Here sit one hundred and twenty-four members. Of these, twenty-three are white men, representing the remains of the old civilization. These are good-looking, substantial citizens. They are men of weight and standing in the communities they represent. They are all from the hill country. The frosts of sixty and seventy winters whiten the heads of some among them. There they sit, grim and silent. They feel themselves to be but loose stones, thrown in to partially obstruct a current they are powerless to resist. . .

This dense negro crowd . . do the debating, the squabbling, the lawmaking, and create all the clamor and disorder of the body. These twenty-three white men are but the observers, the enforced auditors of the dull and clumsy imitation of a deliberative body, whose appearance in their present capacity is at once a wonder and a shame to modern civilization. . .

The Speaker is black, the clerk is black, the door-keepers are black, the little pages are black, the chairman of the Ways and Means is black, and the chaplain is coal black. At some of the desks sit colored men whose types it would be hard to find outside of Congo; whose costume, visages, attitudes, and expression, only befit the forecastle of a buccaneer. It must be remembered, also, that these men, with not more than a half dozen exceptions, have been themselves, slaves, and that their ancestors were slaves for generations. . .

But the old stagers admit that the colored brethren have a wonderful aptness at Legislative proceedings. They are "quick as lightning" at detecting points of order, and they certainly make incessant and extraordinary use of their knowledge. No one is allowed to talk five minutes without interruption, and the one interruption is a signal for another and another, until the original speaker is smothered under an avalanche of them. Forty questions of privilege will be raised in a day. At times, nothing goes on but alternating questions of order and privilege. The inefficient colored friend who sits in the Speaker's chair cannot suppress this extraordinary element of the debate. Some of the blackest members exhibit a pertinacity of intrusion in raising these points of order and questions of privilege that few white men can equal. Their struggles to get the floor, their bellowings and physical contortions, baffle description. The Speaker's hammer plays a perpetual tattoo all to no purpose. The talking and the interruptions from all quarters go on with the utmost license. Every one esteems himself as good as his neighbor, and puts in his oar, apparently as often for love of riot and confusion as for anything else. It is easy to imagine what are his ideas of propriety and dignity among a crowd of his own color, and these are illustrated without reserve. The Speaker orders a member whom he has discovered to be particularly unruly to take his seat. The member obeys, and with the same motion that he sits down, throws his feet on to his desk, hiding himself from the Speaker by the soles of his boots. . . After a few experiences of this sort, the Speaker threatens, in a laugh to call "gemman" to order. This is considered a capital joke, and a guffaw follows. The laugh goes round and then the peanuts are cracked and munched faster than ever; one hand being employed in fortifying the inner man with this nutriment of universal use, while the other enforces the views of the orator. This laughing propensity of the sable crowd is a great cause of disorder. They laugh as hens cackle — one begins and all follow.

But underneath all this shocking burlesque upon Legislative proceedings, we must not forget that there is something very real to this uncouth and untutored multitude. It is not all sham, nor all burlesque. They have a genuine interest and a genuine earnestness in the business of the assembly which we are bound to recognize and respect. . . They have an earnest purpose, born of conviction that their conditions are not fully assured, which lends a sort of dignity to their proceedings. The barbarous, animated jargon in which they so often indulge is on occasion seen to be so transparently sincere and weighty in their own minds that sympathy supplants disgust. The whole thing is a wonderful novelty to them as well as to observers. Seven years ago these men were raising corn and cotton under the whip of the overseer. To-day they are raising points of order and questions of privilege. They find they can raise one as well as the other. They prefer the latter. It is easier and better paid. Then, it is the evidence of an accomplished result. It means escape and defence from old oppressors. It means liberty. It means the destruction of prison walls only too real to them. It is the sunshine of their lives. It is their day of jubilee. It is their long promised vision of the Lord God Almighty.

Keeping Money in the State

Report on Public Frauds in South Carolina, p. 640. Statement of W. Beverly Nash, a negro leader. [1872]

AFTERWARDS I saw [Senator] Leslie in one of these rooms and he handed me a smaller package, about the shape of a brick, which I took and carried home, and on examination found that it contained about five thousand dollars in money. I will not be positive, but I think that the sum of $30,000 was to be distributed among the members of the Senate Committee on Finance, and there was some feeling afterwards about some rumors that Owens and Whittemore had got more than other Senators. . . I have one of the Blue Ridge scrip now for $5,000 which was given me in connection with these matters, in addition to the $5,000 testified to above. I was supporting these Bills because I thought, after hearing arguments of these men, that it was right, and I merely took the money because I thought I might as well have it and invest it here as for them to carry it off out of the State.

"What are You Willing to Pay?"

Ku Klux Report, South Carolina testimony, p. 178. Statement of counsel for manufacturers. [1871]

I WENT to [Tim Hurley, negro] and told him the circumstance, that this man wanted to get a charter for his mine; that it would bring into the State $160,000 or $170,000 of cash immediately, and would help our people a great deal. He looked at me and said, "What is the thing worth?" I said, "It has not been tried yet, but we hope to make it profitable." He burst out into a laugh, and said, "You are green; I mean what are you willing to pay to get the thing through?" I said, "I am not willing to pay anything. You are legislating for our people; this is for the benefit of the people, and we demand our rights at your hands." He seemed to be almost convulsed at my simplicity, and I left him. The bill was not passed that week, and I returned to Columbia on some business afterward, and met this man, who said, "There is no other way than to pay this thing through, and I have made arrangements to do it; if you will go to the legislature to-morrow you will see the difference between your arrangements and those I have made." The bill was carried through, what we call galloping a bill through, read just as rapidly as they could read it.

My father wanted a charter for a cotton factory; he applied to Hurley, and he asked him what he was able to give for it; my father said, "I am not able to give anything; but I have this property, and I think if I had a charter I could perhaps raise means enough to make it valuable." Hurley replied, "O, judge, these things all require money; you need not talk that way." It did not get through; he applied to members to introduce the bill, and they said they would do so, but they were confident it would fail.

Carpetbag Rule in Louisiana

House Report, no. 101, 43 Cong., 2 Sess., p. 6. Report of sub-committee — Charles Foster, W. W. Phelps, and C. N. Potter — adopted by the Committee on the Condition of the South. Reported by G. F. Hoar, chairman, January 15, 1875. [1874]

THE conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and

substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the law centralizing in the Governor every form of political control, including the suspension of elections; by continuing the returning-board with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State Militia, subject to the command of the Governor; by the creation . . of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults, removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning-board; by unlimited appropriations for the payment of militia expenses, and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 to 1872; by laws declaring that no person, in arrears for taxes after default published, shall bring any suit in any court of the State, or be allowed to be a witness in his own behalf — measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Gov. Kellogg's counsel, "a degree of power in the Governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials, . . which is accompanied by the paralyzation of business and destruction of values. . . The securities of the State have fallen, in two years, from 70 or 80 to 25; of the city of New Orleans from 80 or 90 to 30 or 40; while the fall in bank-shares, railroad-shares, city and other corporate companies, have, in a degree, corresponded. Throughout the rural districts of the State the negroes reared in habits of reliance upon their masters for support, and in a community in which the members are always

ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry, so generally . . that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while . . the taxation had been carried almost literally to the point of confiscation. In New Orleans the assessors are paid a commission on the amount appraised, and houses and stores are to be had there for the taxes. In Natchitoches Parish the taxation reached about 8 per cent of the assessed value on property. In many parishes all the white Republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; and there are seven of the Boults in office in Natchitoches. . .

The Kellogg government claims to have reduced taxation. This has been effected in part by establishing a board to fund the debt of the State, at 60 per cent. of its face value. This measure aroused great hostility, not so much of the reduction of its acknowledged debt, as because it gave to the funding board, . . discretionary authority to admit to be funded some six millions of debt alleged to be fraudulent. So that under the guise of reducing the acknowledged debt it gave opportunity to swell the fraudulent debt against the State. . . Rings have been formed in the parishes composed of the parish officers, their relatives, and of co-operating Democrats, who would buy up these obligations, put them in judgment, and cause them to be enforced, to the great distress of the neighborhood — a distress so great that the sales of lands for taxes had become almost absolutely impossible.

The Republican Rule in South Carolina

House Misc. Doc. no. 31, part i, 44 Cong., 2 Sess., p. 335. Extracts from Governor Chamberlain's statements, published in the Charleston *News and Courier*, September 20, 1876. He was then candidate on the Republican ticket for re-election. [1875-1876]

The cover of vast frauds: That certificates for legislative expenses have been made the cover of vast frauds no man will

dispute. They are universally regarded as the last culminating evidence of a prevailing system of corruption which has disgraced our State and offended the nation. [Veto of bonanza bill, March 17, 1875.]

The sale of votes: A very large number of the members of the South Carolina legislature come to the capital for the purpose of selling their votes and making all they can out of office. [Interview, May 24, 1875.]

Stealing, pure and simple: The last six sessions, up to the time I was inaugurated, cost the State, under the head of legislative expenses, the enormous sum of $2,147,430.97. These figures, I may say, are unparalleled in the history of American legislation. It is stealing, pure and simple. [Interview, May 24, 1875.]

A farce and a fraud: The duties of a trial-justice here are precisely the same as the duties of justice of the peace in other States; yet previous governors had appointed and commissioned over two hundred men to the important duties of this office who could not write or read a word of the English language. It was a farce and a fraud; for how can men thus ignorant intelligently try cases, civil and criminal, brought before them? [Interview, May 24, 1875.]

A travesty: What a travesty it is to see men filling the office of school commissioner, to pass upon the qualifications of school-teachers, when they can barely write their names. [Speech, February 2, 1876.]

The doom of radicalism: No party can rule this State that supports Whipper and Moses. . . There is but one way to save the republican party in South Carolina, and that way is to unload Moses and Whipper, and all who go with them. . . Neither the administration at Washington, with all its appliances, civil and military, nor all the denunciations of the world heaped upon me, can save the republican party here from overwhelming defeat during this year, unless we can persuade the people of this State that such things as these judicial elections will be undone, and never by any possibility be repeated. [Letter to Senator Morton, June 13, 1876.]

2. FRAUDS, TAXATION AND EXPENDITURE

The Refreshment Room

Report on Public Frauds (1877), p. 170. Statement of Lewis Grant, porter, South Carolina state house. [1868-1874]

A PART of my duty was to attend to the refreshment room adjoining the room occupied by the Clerk of the Senate. I generally opened the room at 8 o'clock in the morning and kept it open from 2 to 4 next morning. During that time some one was constantly in the room, eating, drinking or smoking. Senators, members of the House and State officers and Judges and editors of influential newspapers were constant visitors; not an hour in the day, and but few at night, but what some one of them were there drinking and smoking. Many of the Senators and members would come to the room before breakfast, hunting a drink or "eye-opener." I cannot estimate the amount drank on an average every day, but several gallons, with a considerable amount of wine, porter, ale, &c., included. We kept the best article all the time; the Senators and members would complain if any but the best of cigars and wines and liquors were furnished them. I remember many times to have had on hand what I considered very good cigars and liquors, but they would complain. I found it hard to keep a sufficient amount of cigars on hand to supply their demands, from the fact that the Senators and members on leaving would generally fill one or two of their pockets. I have seen men assembled in bar rooms drinking and carousing, but I never saw anything to equal the refreshment room of the Senate for drinking, smoking and talking. Sunday was no exception to the rule. Often, after they would drink heavy, many of them would lie down on the sofas and sleep until next morning. I remember often when the call of the Senate was made that the members would be in the refreshment room drinking. I thought it impossible for men to drink so much whisky and attend to any business. I remember that a large majority of the men who assembled

at the room were Republicans, though some Democratic Senators and some few from the House were there. . . The Senate refreshment room was where the members met to talk over the various jobs that were under consideration and make arrangements as to how they would vote on them. When some of them would leave they would put a bottle of champagne in their pockets. The room was kept open and refreshments received from the time I was appointed porter.

"The State Must Take Care of its Statesmen"

Report on Public Frauds (1877), p. 29. Statement of Josephus Woodruff, clerk of the South Carolina Senate. [1868-1874]

UNDER the head of supplies was embraced anything that a Senator chose to order. Orders were generally given through the Clerk, and the accounts rendered against the Clerk of the Senate. At first these orders were moderate and included only such necessary articles as stationery and postage stamps, but they generally increased until they assumed gigantic proportions. The accounts were . . made payable out of the Senate contingent fund. From the commencement of my official career the Committee to audit and control the contingent expenses of the Senate always claimed the right to order what they pleased and include in their reports, under the names of "sundries and others," their personal accounts. The practice became so general as to embrace nearly every Republican and some Democratic Senators and the accounts ordered to be paid without inquiring or a dissenting voice. The Senate Rule requiring all reports to lie over one day for consideration was almost always suspended in these cases and the reports considered immediately. They were agreed to, [and] the accounts ordered to be paid. . . Senators would leave their accounts with the Chairman of the Committee on Contingent Accounts, and when personal bills were settled in this way they were returned to Senators receipted. The largest bills were rendered for refreshments, including the best liquors and cigars, which were served to Senators and their friends in a room next to the office of the Clerk of the Senate. The refreshment room was kept

open and was accessible at all times. It was visited daily by State officials, Senators and Representatives, Judges, lawyers, editors and reporters of newspapers and citizens generally, irrespective of party, who discussed matters, State and national, in the most amiable manner over a sparkling glass of champagne or favorite wine or choice cigars. My porter, Louis Grant, was kept in constant attendance on the refreshment room, generally from 12 M., when the Senate met, to 2 and 3 o'clock next morning. This matter, like others, gradually assumed the largest proportions. Orders were given for liquors and cigars, which were sent to the hotels and residences or boarding houses of Senators and their friends, and enormous bills rendered accordingly. Of these I usually had no knowledge. But whenever I sent an order of my own for any special occasion outside I paid for them invariably with my own funds. . .

Contingent account certificates for various amounts were frequently drawn to the order of the Clerk of the Senate and turned over to the Chairman of the Committee on Contingent Accounts for collection and distribution. As these transactions became common the Senators claimed that all their expenses should be paid by the State, or, in the language of Mr. Leslie,[1] "the State had no right to be a State unless it could pay and take care of its statesmen." Gratification certificates, issued without any consideration but for the use of Senators, also became frequent.

Supplies for South Carolina

Report on Public Frauds, p. 24. The items were copied from the vouchers by an investigating committee. They were paid for by the State as "State House Supplies." [1868-1874]

Refreshments, Wines and Liquors

HEIDSICK champagne, green seal do., vin imperial do., Verzenay do., Moet and Chandon do., scuppernong, sparkling Moselle, Catawba, Chateau la Rose claret, Chateau La Fitte claret, imperial pale sherry, best Madeira, port and malaga

1. Leslie was a carpetbagger from Massachusetts.

wines, blackberry wine, finest otard-du-puy brandy, finest French cognac do., Baker, cabinet, rye, Bourbon, nectar and corn whiskies, Holland gin, Jamaica rum, cases of Hostetter's Indian, Kerr's, Russian, boker, St. Domingo and wine bitters, Congress water, best bottled ale, lager and porter, sarsaparilla, Curacoa, maraschino, ale by the cask.

Cigars and Tobacco

Imported Brevas, Partagas, Espanolas, Espanola Londres, Conchas, Live Indian, Pantillo, Espanola Conchas, finest plug tobacco, finest cut chewing tobacco, Durham and best smoking tobacco.

Refreshments, Groceries and Delicacies

Best Westphalia hams, Bologna sausages, bacon strips, diamond hams, Java and Rio coffee, pineapple, Edam, Switzer and English cheese, gilt edge butter, sardines, smoked and canned salmon, smoked beef and buffalo tongues, canned oysters and lobsters, fresh Norfolk oysters, deviled ham, black and green teas, French chocolate, olive oil, catsups, Worcester and pepper sauces, imported mushrooms, preserved ginger, Guava jelly, pickles, brandy cherries and peaches, lemon syrup, assorted extracts, sea foam, citron, assorted nuts, lemons, oranges, wax and adamantine candles, Colgate, fancy and toilet soaps, starch, table and Liverpool salt, kerosene oil, bacon, sides and shoulders, English mustard, vinegar, mackerel, concentrated lye, Orleans and fancy syrups and molasses, assorted English crackers and biscuits, condensed milk, parlor matches, Irish potatoes, leaf lard, assorted pepper, sugar, flour and pearl grist.

Furniture

Finest walnut office chairs, office desks, continental chairs, washstands, hat racks, marble top washstands, wardrobes, library tables, marble top sideboards, book cases, hair seat rocking chairs, large and small easy chairs, marble top bureaus, saloon tables, bed-steads, opera chairs, leather seat chairs, cane seat chairs, stuffed back chairs, stuffed back arm chairs, commodes, umbrella stands, large library book cases, small library

book cases, oval library tables with carved legs, red rep lounges, green rep lounges, finest plush velvet tete-a-tetes, finest walnut fancy rep tete-a-tetes, large and small Gothic chairs, Prescott arm chairs, extra large striped rep Prescott arm chairs, green rep French lounges, large shelf-back marble top washstands, counter desks, hat stands, marble top tables, crimson plush sofas, large looking glasses, superior refrigerators, large willow chairs, towel racks, folding chairs, fine coffin, fine cradle, bed lounges, fancy fire screens, extra large and heavy cotton mattresses, extra large and heavy feather beds, extra large and heavy feather bolsters, extra large and heavy feather pillows, double spring mattresses, cot and mattresses, sponge pillows, sponge bolsters, sponge mattresses, gilt mantel mirrors.

Furnishings

Finest English tapestry Brussels carpeting, English body Brussels carpeting, three-ply ingrain carpeting, English velvet rugs, English velvet door mats, English thread door mats, English oilcloths, English velvet hassocks, cocoa mats, cocoa matting, rich heavy cornices, satin delaine curtains, lambrequins, window shades and fixtures, large cords and tassels, gimps, brocatel curtains and trimmings, gold bound shades and spring rollers, white and checked mattings, dry goods, finest French velvets, extra fine large gray hair cloth, silk damask, linen damask tablecloth, linen damask wire cloth, Irish linens, billiard tablecloths, linen towels, woolen blankets, linen d'oylies, linen napkins, imported flannels, imported insertions, imported edgings, finest dress goods — all kinds, honeycomb quilts, Marseilles quilts, shawls, linen sheeting, linen pillow casing, linen shirting, cotton shirting, sheeting, cotton pillow casing, imported kid gloves, ladies' satchels, men's white and brown hosiery, linen cambric handkerchiefs, ladies' hoods, cambrics, ribbons of all qualities, fine plaid goods, extra long bath towels, pieces of crepe, scissors, skirt braids and pins, baize, spool cotton, prints, tooth brushes, hair brushes, heavy combs, flax, buttons, whale-bone, ginghams, hooks and eyes, boulevard skirts, bustles, extra long stockings, chignons, pal-

pitators, garters, chemises, under vests, parasols, sun umbrellas.

Clothing

In general assortment and variety.

Jewelry and Fancy Goods

Gold watches and chains, rich sets gold jewelry, diamond rings, diamond pins, gold lockets, gold charms, gold finger rings, gold necklaces, gold pencil cases, gold pens, gold breast-pins, ivory-handled knives and forks, pen and pocket knives, tea spoons, table spoons, table forks, call bells, extra fine table castors, rich toilet sets, pocket pistols, Japanned tea trays, cuckoo clocks, extra fine Belgian marble mantel clocks, French China vases, French artificial flowers, ladies' fine work boxes, finest colognes, French extracts, bottles Florida water, gold and rubber pens and holders, pocket books, stereoscopes and views, writing desks, ladies' portemonnaies, French mantel clocks, key rings, tape measures, feather dusting brushes, plated spoons, baskets, Webster's Unabridged Dictionary, latest and most expensive library works, drop lights, sixty-four light chandeliers, twenty-seven light chandeliers, six light chandeliers, five light chandeliers, four light chandeliers, four light bracket chandeliers, fine cornices with gilt eagles, fine shields with coat of arms.

Crockery and Glassware

Champagne glasses, salt cellars, cup plates, decanters, tumblers, ornamental cuspadores, extra fine punch mugs, fancy granite chamber sets, fancy lamps, wash basins, soap boxes and trays, French China coffee cups, French China dinner sets, French China cups and saucers, French China candlesticks, fine glass globes, all sizes, decorated spittoons, decorated tulip toilet sets, decorated tulip oval pitchers, rich cut goblets with monograms.

Printing Matter, &c.

Warrants of arrest, recognizances, summonses, election tickets, contracts, articles of agreement, lodge circulars, visiting cards, diaries, Morocco memorandum books, perpetual calendars, packages finest initial note paper, reams Juniata paper, scrap books, envelopes, ink, mucilage, wall paper, bordering, lead pencils, ruling pens, paper weights, letter clips, bill files, rubber bands, paper cutters, sponge cups, envelope openers, inkstands, ink vents, slate pencils, rulers, magic ivory, leather and black pencils.

Stock, &c.

Fine horses, mules, carriages, buggies and harness.

Sundries

Egg coal, cords oak wood, cords light wood, andirons, fenders, shovel and tongs, grate baskets, stoves, pipes, coffee biggins, tea pots, sauce pans, cooking stoves and utensils, tin buckets, tin cases, blacking, blacking brushes, jugs, bags, demijohns, lead pipes, lanterns, brooms, fruit jars and elastics, kegs, wash tubs, wash boards, cork screws, slop pails, dusters and dust pans, foot tubs, manilla paper, hand saws, files, axes, water coolers, granite chambers, bed pans, coffee mills, axe helves, stove polish.

Some Legislative Expenses

Report on Public Frauds in South Carolina, p. 7. Copies of receipted bills in the South Carolina treasury. Two hundred thousand dollars was spent for furniture, only $17,000 of which went to furnish the State House. The investigating committee in 1877 printed about 1200 pages of similar bills, and this was only a fraction of the material there. No attempt was made in South Carolina to disguise the frauds. [1868-1873]

Columbia, S. C., —— 1868.

JOHN WILLIAMS, Sergeant-at-Arms,
Bought of J. H. & M. L. KINARD, . .

1870		
Nov. 26.	1 comb and brush . . .	$ 2 75
29.	½ dozen towels, $6 . .	3 00
	3 L. C. handkerchiefs, 25c — 75c., and 3 at 37½c. — $1.13 . .	1 88
	5 yards brown homespun, 10c. .	50
Dec. 1.	½ dozen towels, $6 . .	3 00
	4 hair brushes, $1 . . .	4 00

5

	4 dressing combs, 75c. . .	3 00
2.	1 bottle extract . . .	1 25
	1 bottle cologne . . .	2 50
	1 valise	9 00
5.	50 yards cocoa matting, $1.25 .	62 50
12.	100 yards cocoa matting, $1.25 .	125 00
13.	3 wood boxes, $1 . . .	3 00
14.	1 dozen linen collars . .	3 00
3.	1 pair suspenders . . .	75
	1 stereoscope . . .	1 50
	1 portemonnaie . . .	2 00
	Matting, tacks and hammer .	1 25
	1 skirt, $5.50; 1 shawl, $7; 1 set, $6	18 50
	1 set	12 00
16.	1 pair gloves, 2.50; 2 hair brushes, $1 — $2	4 50
	2 combs, 75c. — $1.50 . .	1 50
19.	1 job lot soap, $1.75; 1 boulevard, $4.50	6 25
21.	1 pair blankets . . .	12 00
Jan. 5.	1 pair corsets . . .	3 00
		$ 287 63

Columbia, S. C., February 15, 1873.

Mr. J. WOODRUFF, for Senate,
Bought of GEORGE SYMMERS, . .

1873.		
Jan. 29.	1 gallon whisky, $7; 1 case champagne, $45	$ 52 00
Jan. 29.	1 y. a. cheese, $3.50; (30) 4 dozen quarts lager, $7 — $28 . . .	31 50
Jan. 30.	1 box cigars, $10; 1 case wine, $45	55 00
Jan. 31.	4 dozen Bass ale, $3.50 — $14; matches, 50c	14 50
Feb. 1.	6 boxes cigars, $10 — $60; cheese, $1.25; crackers, $1.25 . . .	62 50

Feb. 1.	1 dozen ale, $3.50; 1 dozen porter, $3.50; 1 jar ginger, $3; (Green) .	10 00
Feb. 1.	½ gallon c. whisky, $1.50; 1 bottle wine, $2; (Hollingshead) . .	3 50
Feb. 1.	3 bottles wine, $6; 1 box cigars, $9; (Robertson)	15 00
Feb. 4.	4 dozen ale, $3.50 — $14; 1 gallon c. whisky, $3	17 00
Feb. 4.	Matches, 40c.; (5) 1 gallon c. whisky, $3	3 40
Feb. 5.	1 pineapple cheese, $2.50; 5 pounds crackers, $1.25	3 75
Feb. 5.	3 boxes cigars, $10 — $30; (6) 1 gallon whisky, $7	37 00
Feb. 5.	1 pineapple cheese, $2.50; 6 boxes sardines, $1.80	4 30
Feb. 5.	2 boxes cigars, $10 . . .	20 00
Feb. 7.	Bill of merchandise to Lee . .	284 39
Feb. 7.	1 gallon whisky, $7; 1 gallon c. whisky, $3; 1 cheese, $2.50 . . .	12 50
Feb. 7.	2 bottles champagne . . .	7 00
Feb. 8.	1 box, 6 pounds candles, $2.40; 1 gallon c. whisky, $3	5 40
Feb. 8.	1 pine a. cheese, $1.75; 5 pounds crackers, $1.25	3 00
Feb. 8.	1 box cigars, $10; 3 dozen ale, $3.50 — $10.50	20 50
Feb. 10.	3 gallons whisky, $7 — $21; 2 gallons sherry, $14	35 00
Feb. 10.	2 boxes cigars, $20; 1 gallon whisky, $7	27 00
Feb. 11.	1 gallon whisky, $7; 6 pounds cheese, $1.63; crackers, $1.25 . . .	9 88
Feb. 11.	2 dozen porter, $7; 3 bottles maraschino, $4 — $12; (Robertson) . .	19 00
Feb. 11.	3 bottles curacoa, $12; 1 case champagne, $45; (Robertson) . . .	57 00
Feb. 12.	1 gallon whisky, $7; 1 dozen boxes matches, 40c.	7 40

Feb. 12.	1 cask, 8 dozen porter, $3.50; (Lee)	28 00
Feb. 13.	1 gallon c. whisky, $3; 10 pounds crackers, 25c. — $2.50	5 50
Feb. 13.	6 boxes sardines, $1.80; 6 pounds cheese, 25c. — $1.50	3 50
Feb. 13.	3 pounds Schwitzer cheese, 40c. — $1.20; (14) 1 gallon whisky, $7	8 20
		$861 52

Received payment by order on State Treasurer.

GEO. SYMMERS,
Per Roy.

Public Printing in South Carolina

Report on Public Frauds in South Carolina, (1877), pp. 214, 329. The "Printing Ring" was composed principally of State officials — Governor Scott, Treasurer Parker, Attorney General Chamberlain, the clerks of the Senate and the House, and a few members of the Legislature. In order to secure appropriations votes were purchased in numbers. [1872-1873]

Session of 1868-69	$ 21,124
Session of 1869-70	45,000
Session of 1870-71	152,465
Session of 1871-72	173,000
Session of 1872-73	450,000
Session of 1873-74	385,000
Session of 1874-75	50,000
Session of 1875-76	50,000
Total cost from 1868 to 1876	$1,326,589
Total cost from 1790 to 1868	609,000
Showing an excess of cost for printing during eight years of Republican administration over the seventy-eight previous years of	$ 717,589
Average cost of printing under Republican administration per year	$ 165,823
Average cost of printing under old *régime* per year	7,807
Cost of printing under Hampton administration one year	6,178
Amounts appropriated session of 1872-73, Republican administration	$ 450,000
Total for twenty-five years, "old *régime*," (1840-1866)	$ 278,251
Excess of cost of printing for one year of Republican administration over that of the old *régime* for twenty-five years	$ 171,749
Total for fifteen months under Republican administration	$ 835,000
Cost of printing for seventy-eight years under old *régime*	609,000
	$ 226,000
Excess of cost of printing under Republican administration for fifteen months over that of old *régime* for seventy-eight years, as above, $226,000.	
Cost of printing per month under Republican administration	$ 55,666
Cost per month under Hampton administration	514

The Finances of Arkansas

Nordhoff, *The Cotton States in 1875*, pp. 29-31. [1868-1875]

ARKANSAS has less than 650,000 people. It has about 120,000 voters. These owed in 1868, when reconstruction began in this State, about $3,500,000, and had $319,000 in cash in their treasury. The debt was State debt. The counties owed little or nothing.

To-day, after seven years, the State owes at least $15,700,000, and most of the counties have debts of their own sufficient to make them bankrupt. And for this huge indebtedness, which amounts for State, counties, town, and school districts to probably $20,000,000, the people have nothing to show, except some miles of railroad, . . There are no new

public buildings; neither science nor the arts have been advanced. The old State-house looks as dilapidated as when reconstruction began, and has been changed in nothing except having its door-lintels mutilated that a Brooks cannon might be squeezed into the hall; the schools are almost all closed because the school fund was stolen; and Little Rock is unpaved, though the conquerors of 1868 issued nearly shinplasters enough to pave all the streets handsomely with the paper itself, and bonds enough besides to make dry crossings at the corners. . .

The State debt alone amounts . . to more than $115 for every voter. State, county, township, and school debts, including scrip of all kinds, would probably bring the voters in debt $175 per head. . .

In Little Rock, the collector of taxes openly engaged in brokerage, took out a Federal license as a broker, and then drove a thriving trade with the citizens when they came to pay their taxes. You must understand that all State and county scrip was receivable at par for taxes. If a citizen had to pay $50 for taxes, he might buy scrip at thirty cents and pay it in at par. But the collector bought scrip beforehand, when the market was low, and made his own bargain with the citizen. It is said he made his office worth $100,000 a year. His way was to demand a moiety of the tax, but in greenbacks. For this he gave a receipt in full. Then he kept the greenbacks, and turned into the treasury in their place the scrip he had bought up so cheaply. This atrocious form of swindling became so universal that I have been told only one county tax collector in the whole State has uniformly turned into the treasury the same money which he received; and this when the allowances of the assessors and collectors were so great that in some years it cost twenty per cent. to collect the State revenue.

Taxation in North Carolina

Ku Klux Report, North Carolina testimony, p. 313. Statement of Plato Durham, lawyer. [1871]

THE taxation for State purposes has been increased fivefold

under the new constitution. Our taxation for State purposes before the war used to be ten cents on each one hundred dollars valuation of property — one-tenth of one per cent. We pay this year for State purposes 52 cents on each one hundred dollars of value. . . That is the present levy for regular State purposes, in addition to interest on the public debt, county expenses, &c.

Taxation in Mississippi

Mississippi Election of 1875, p. 457. A protest from the Mississippi Taxpayers' Convention to the Legislature, December 2, 1874. [1874]

To show the extraordinary and rapid increase of taxation . . we will cite these particulars, viz.:

In 1869, the State levy was 10 cents on the $100 of assessed value of lands. For the year 1871 it was four times as great. For 1872 it was eight and a half times as great. For the year 1873 it was twelve and a half times as great. For the year 1874 it was fourteen times as great as it was in 1869. The tax-levy of 1874 was the largest State tax ever levied in Mississippi, and to-day the people are poorer than ever before. . .

A careful estimate shows that during those years of increasing and most extravagant tax-levies, the public debt was increased on an average annually over $664,000, a sum of itself sufficient to defray the entire expenses of the government, economically administered. That is, the State spent on an average, this large sum each year, over and above the amount collected on those monstrous tax-levies.

County Finances

(1) Reynolds, *Reconstruction in South Carolina*, p. 304. Statement of Judge T. J. Mackey, reform Republican; (2) *Ku Klux Report*, Alabama testimony, p. 461. Statement of P. M. Dox, Northern man, Independent. [1871]

[1] THE Government of Edgefield has been for eight years a festering ulcer upon our body politic, and a diligent attempt is now being made to hide with the "bloody shirt" the appalling wrongs committed by the Republican party on the white population of that section. For example, there have been three county treasurers, all Republicans, appointed in Edgefield since

1868. The first, John Wooley, proved a defaulter to the amount of $25,000; the second, Eichelberger, in the sum of about $30,000, and the third, McDevitt, estimated at $40,000 or $50,000.

The government is wholly composed of negroes elected on the race issue, asserted even against white Republicans.

[2] In 1858 the total State tax of Madison County [Alabama], from all sources was $23,417.63. In 1870 the total State tax of Madison County was not less than $65,000, made up as follows:

Tax on real estate	$51,445 30
Tax on personal property . . .	8,471 75
Tax on licenses, polls, insurance, &c., estimated at	5,082 95

The estimate of taxes for polls, insurance, &c., is a low one, and the probability is that the aggregate will in fact fall but little below $70,000. The total State tax on land in Madison County in 1858 was $7,213.10; in 1870, it was $51,445.30 — a difference of $44,232.20. In other words, the total tax paid on land in our county in 1870 was more than seven times what it was in 1858. And before the war we had over thirteen thousand slaves in the county, worth not less than $8,000,000 — a sum fully equal to the value of all the taxable property now in the county. My taxes last year [1870] were three times as great as the year previous.

3. THE RECONSTRUCTION MILITIA

Martial Law in Arkansas

Harrell, *The Brooks and Baxter War*, pp. 86, 87. Copied from Clayton's letter books. The order was directed to Gen. S. W. Mallory, in command of the Arkansas militia. [1868]

SIR, — I am instructed by the Governor to say, that as soon as Gen. Catterson reaches you, you will proceed at once to arrest the parties [33] whose names have been sent to you, as well as any other outlaws. He thinks you can safely *execute many of them*. It is absolutely necessary that some examples be made. . . It may be desirable to have the troops here, by the first of January, if the thing can be safely done. There will be a large *Democratic Convention* here at that time, and the *militia* may be needed as *delegates*. He thinks you have acted wisely in disbanding the colored troops, under the circumstances. [1]

The White Militia in Arkansas

Harrell, *Brooks and Baxter War*, pp. 75-83. Col. William Monks and sixty men came from Missouri and were enlisted as Arkansas militia. For his work he was thanked by the legislature. The entire State was for four months ravaged by the Governor's militia. The second selection here given consists of a part of a summary made from the records by Judge Harrell in 1893; the other is of 1868-1869. [1868, 1869]

[1] MONKS and his men then commenced scouting the country, destroying forage, riding over yards, feeding and camping around houses. They took upper and sole-leather, tobacco, horse-shoes and nails, without paying for them, from Harlen's store; made a guard-house of Harlen's dwelling, and compelled his wife to cook for them and the prisoners. On Saturday Monks called all the men who were in favor of killing the prisoners to fall into line. About seventy responded; but ten or fifteen refused to fall in. At this the sheriff protested, and said, "They are my men, and I do not want them hurt." Monks replied that "he would do as he d—d please," and ordered

1. The negro troops had rebelled against General Mallory.

Capt. Bryant and U. B. Bush to bring forward the men who committed the murder by Monday at 2 o'clock in the afternoon, or the prisoners should be killed. A scout brought in Archer and Hunter, who had been arrested at their homes, but left there — Hunter, on account of sickness, and Archer, because of his *blindness*. The sheriff then went away, leaving the prisoners in the hands of the mob, and never went back to see what had become of them, saying he was afraid they would kill *him* also.

Saturday, at 2 o'clock p. m., they broke up camp at Harlen's and moved to Col. Tracy's place. They took possession of the house and drove his family into the kitchen, ordering his wife and mother-in-law, Mrs. Pickrue, to go to cooking, or they "would burn the last d—d thing on the place." They chained U. B. Bush with a log-chain upon one of the beds, and pitched into Tracy's papers and books, and made a general smash of them; tore up his buggy and threw it into a mill-pond; took all the mill-irons, augers and tools they could find, and threw them away; fed away and destroyed about 4,000 bundles of oats; about 200 bushels of corn, and cut and destroyed corn yet in the field; took and destroyed some thirty bee-hives; killed all the chickens, and smashed up things generally, to the damage of Tracy, of between seven hundred and a thousand dollars.

They took out Capt. Bryant; hung him up by the neck, and told him if he did not say that certain parties killed Mason, they would kill him, but if he would implicate certain parties, he should be released. At last, to save his life, he told them any and everything they asked him — so he told Bush, when they again turned him into the guard-house. Said he to Bush: "I have been nearly killed by these men, and to save my life I have told an awful tale. I had to tell them that you did assist in killing Mason, and the only chance for you, is to do as I have done, — lie out of it the best you can, and get out of this place."

Bryant was sent out with an escort, and they reported that he "made his escape." They arrested one B. T. Deshazo, a

very harmless citizen, and tied a rope around his neck, surrounded him with pistols cocked, and told him if he did not acknowledge that Col. Tracy, Capt. Tracy, T. W. Baker, U. B. Bush, and Capt. Bryant did the murder, they would kill him; but if he would tell, they would turn him loose. He protested to the last that he knew nothing about it. . . They abused him very badly. . .

Things went on this way, and they had prolonged Bush's life, until about dark, Monday night, when Pink Turner, the deputy sheriff, arrived with a writ of *habeas corpus* for the prisoners (issued by Hon. Elisha Baxter, Judge of the Third Judicial Circuit), which Monks and his men, at first, voted unanimously to disobey, saying that they intended to kill ten men for Mason, and had three who were already fat enough. Some time after they refused to obey the writ, a squad of them found some newspapers in the house and made caps of them, and started up the road, in the direction of Salem, saying they were "Ku-Klux." Directly after they left, Monks told the Deputy Sheriff that he would obey the writ, and the prisoners were at his command. The Deputy Sheriff then took U. B. Bush and J. H. Tracy, and started for Salem, saying that Tracy should not be hurt, but saying nothing about Bush. When they had proceeded about two miles, they were met in the road by the men with paper caps, who made no halt, but rode directly up to them and made efforts to seize the bridles of the prisoners' horses. The Deputy Sheriff caught J. H. Tracy's horse, and whispered to Tracy to run with *him*. They ran, leaving Bush in the hands of the men. After they had fled a short distance, Tracy heard Bush pleading for his life, and directly they heard firing. Bush's body, pierced with three balls, was found, at daylight next morning, near the spot where he was taken away from the Deputy Sheriff. . .

[2] Richard Coley, over sixty years old, met a gang of militia in the road, when he turned his horse or mule and tried to get away from them. He was shot dead and left in the road. John Thorp was the first man they took out to shoot, by order of

Upham's military commission, upon the charge that he was Captain of Ku-Klux. There was never a man's life begged for as was his. He was shot and buried without a coffin. A young man named Rogers, at Cotton Plant, engaged to be married, was shot to death by orders of Upham, after he had paid Rosa [a militia officer] three hundred dollars. James Bland was taken at midnight from the side of his wife and child, and killed without trial, even by a commission. Charles Ruddock, the school teacher, was taken from his room at night and killed without any trial. Dr. Marquis D. McKenzie, a favorite physician and leading citizen of the county, was taken out of his house in the evening by Upham's men and shot, and his remains thrown into White River. Bartlett Y. Jones, a well-known citizen, was taken out the night Dr. McKenzie was, and killed.

Negro Militia in Arkansas

House Ex. Doc. no. 209, 42 Cong., 2 Sess., p. 23. Report of T. W. Morrison, 2nd Lieutenant, 16th Infantry, U. S. Army.
[January 29, 1872]

THIS mob was composed of negroes from the plantation several miles east of the town, and of members of the colored militia companies stationed at Lake Village [Chicot County, Arkansas]. Those from the plantation numbered over one hundred men, were mounted and armed, and made their entrance into town . . at a gallop, firing off their weapons as they galloped about the town, cursing and making threats to avenge the murder of Wynn [negro]. Dismounting, they tied their horses to fences and trees in the town, and soon a mob numbering two hundred men collected in front of Garrett's grocery, where Wynn was killed. The grocery was immediately broken open, and the mob entered and destroyed everything of value. After obtaining the keys of the jail from the sheriff, the mob entered the jail, secured Sanders, Garrett, and Dugan, and proceeded with them to the edge of town, where they murdered them. Then many negroes from the plantation left the town. Others remained about the town during the day and night and the following day, as a mob, in full possession. Threats made by the mob led to fears that they would commit other acts of violence, and the white citizens of the county apprehended a recurrence of mob violence in the absence of a reliable military force, should any serious difficulty occur wherein one of the parties is a negro. The negroes have been defiant in their conduct since, in the belief that crimes committed by them as a mob will not subject them to arrest, trial, and punishment. The effect is that there is great uneasiness among that class of white people who are interested in having peace and quiet in their midst. Law and order is not expected to exist in the county as long as they are under the humiliating oppression of negro supremacy obtained by mob violence. The law seems to be powerless to punish the robbers and murderers of this bloody tragedy. There is fear of the consequences of prosecution. No arrests have been made.

The county has paid out the sum of seven thousand dollars for actual services of the men belonging to the militia organization . . in co-operating with the mob of negroes in the outrage committed on December 15. Walker, the sheriff of the county, is a colonel of a militia regiment, having three full, irresponsible negro militia companies organized in the county, and had in the town of Lake Village, on the 14th and 15th days of December, a part of three companies — in all, two hundred men — armed with pistols and shot-guns, as a force to protect the three prisoners named from injury at the hands of a mob. This guard did not make any resistance to the mob. The fact is, they were a part of the mob throughout, from beginning to end. On the 17th December, the militia force was reduced to fifty men by the sheriff, which number remained about the town up to the time of the arrival of a detachment of fifteen white men of the "Governor State Guards," from Little Rock, Arkansas, commanded by Lieutenant Grover, (on the 7th of January), when they were further reduced to ten men, and retained until the 16th instant "as a conciliatory measure to the colored people."

An Experience with Governor Holden's Militia

Outrages in the Southern States, part II, p. 4. Statement of Lucien H. Murray. More than a hundred similar statements were made. Governor Holden was impeached and removed from office on account of the use he had made of the militia. [1870]

HE then asked me if I did not see Adolphus Moore tie a rope around Outlaw's neck the night he was hung. I told him I did not. He asked me what I saw that night. I stated what I have stated here about what I have seen. He then told me I was telling him a damned lie. I told him I was telling the truth. He then said, "If you don't tell me all about it, I will break your damned neck." I told him, "I can't help that." Says he, "Go on back to your quarters; I will have it all out of you. If I can't get it one way I will get it another." It went on that night till about one o'clock; then Colonel Bergen came to my tent with a candle in his hand. I had not gone to sleep. I raised up my head. Said he, "Is that you Murray?" Said I, "It is," and he walked back to his tent. In a short time he came back again without any candle, touched me on my feet, and told me to get up and come out. I asked him if I could put on my shoes. He told me, "No, you won't have any use for them long." I went out and he took me into his tent with three other men. They all had pistols. He told me I must now make a confession; if I did not he would blow my damned heart out. . .

He told me then, "You are a damned liar," and got up and all four of them cocked their pistols, and he told me if I did not confess he would blow my heart out. . .

I told him I had nothing to confess. "Well," said he, "Patton and Rogers, . . they knew nothing till they were hung up; then they could tell all about it, and you must do the same." He went on to say that he had affidavits filed in his office, that had been made that I did know all about the hanging of the negro. I told him I could not tell him anything. Then he put a rope about my neck, led me up to a tree, threw the rope over a limb and asked me if I was ready to make my confession. I told him I had no confession to make. Then they drew me up off the ground, and let me hang there a little while — not

long. . . Choked me pretty bad; . . it did not hurt me. Then let me down and asked me if I was ready to confess; I told him I had no confession to make. Said he, "If you don't confess I will break your damned neck;" and he gathered the rope again, and he and another man pulled me up very roughly, and suspended me a great deal longer than he did before; I can't tell how long; I hung there till I was unconscious; suffered all the pain till I became unconscious. . . When I came to, I was leaning or sitting up against the tree, and a few men were rubbing me.

The Militia in South Carolina Elections

Report on Public Frauds in South Carolina (1877), pp. 674, 680, 686. Statements (1) of L. T. Levin, (2) of John B. Hubbard, and (3) letter of J. W. Anderson — all radicals and prominent officers of the militia and constabulary. [1870]

[1] THE entire militia, as organized and armed, was composed of colored men, with the exception of a few white officers. During the year 1870 there was organized fourteen full regiments, of nearly one thousand men to each regiment. There was issued to the above regiments seven thousand rifle muskets (breech-loading) with the necessary equipments, consisting of bayonets, scabbards, cartridge boxes, etc., also a large number of Winchester rifles, including ammunition. The enrollment of the militia was accomplished at a large expense to the State. The real object of the enrollment was to give employment to the different local leaders while they were, in reality, organizing the party for the coming campaign. The number of enrolled militia was ninety-six thousand, 58,000 between the ages of 18 and 30, and 38,000 between the ages of 30 and 45. At one time there were two or three white companies armed by the Governor, but the colored militia became so much dissatisfied, on account of these few white companies receiving arms that Governor Scott issued an order calling in the arms in their hands. At least two-thirds of the amount paid on account of the militia was a huge fraud upon the State, and for no consideration, except for political services rendered.

[2] As Chief Constable, I was ordered by Gov. Scott to appoint certain Deputy Constables on my force as Captains over the State Guards or militia stationed and under full pay in several Counties in the State. Captain Mann was in charge at Abbeville and J. Ward Hayward at Edgefield. I think Captain Jackson was in command a portion of the time. They were all Northern men and brought here by Gov. Scott. I was ordered to assist the militia organization every way possible. The object was to have an active and efficient corps of organizers in the field. I knew that the militia was organized and armed for political purposes. It was understood that by arming the colored militia and keeping some of the most influential officers under pay that a full vote would be brought out for the Republicans and the Democracy or many of the weak-kneed Democrats intimidated. At the time the militia was organized, there was, comparatively speaking, but little lawlessness. The militia being organized and armed caused an increase of crime and bloodshed in most of the Counties in proportion to their numbers and the number of arms and amount of ammunition furnished them.

[3] *Yorkville, S. C., June 25th, 1870.*

Captain JOHN B. HUBBARD, Chief Constable, Columbia, S. C.

DEAR CAPTAIN: I am visiting some of the [Union] Leagues and intend to try and get into the convention and be elected to the Legislature. The Democrats are quiet now but playing possum. Some of them say they intend to organize all over the State against Scott's militia. I have it from good authority that the whites are receiving guns through the merchants and are secretly organizing. We can carry the County if we get Constables enough by encouraging the militia and frightening the poor white men. I am going into the campaign for Scott. I hear Hannibal White and some of the colored men are opposed to him. Will keep you posted.

Respectfully yours,

J. W. ANDERSON,

Deputy Constable.

4. POLITICAL METHODS OF RECONSTRUCTION[1]

Negro Voting System

Ku Klux Report, Alabama testimony, p. 381. Statement of General, now Senator, E. W. Pettus. [1871]

THE system is to make a door, either by men, or rails, or palings, through which all the voters are required to go. . . A crowd stands usually at the paling fence, on both sides, and the voters, white and black, have to pass, because generally there is but one place of entrance. . . Any white man is allowed to pass through without question, whether he belongs to one party or the other. The colored man, when he comes to this point of entrance, hands his vote, or it is taken, and it is inspected by another colored man stationed there for that purpose. He inspects the vote, and the man passes on, or he changes the ticket. That is the general system of voting in Alabama . . in reference to the colored people. If the negro has a democratic ticket, it is objected to by the man in command of the entrance; and sometimes I have seen controversies on the subject, but never any difficulty. . . But the vote is inspected, and so far as my observation goes, there is always an effort to change it, if it does not suit the man in charge of the gate. Sometimes it is changed, and sometimes it is not.

Registration and Election Laws

Nordhoff, *Cotton States in 1875*, pp. 66, 85. In Louisiana and Alabama. [1875]

IN the greater number of parishes the registration lists of 1874 show that the colored registered voters are more numerous, compared with the colored population, than the white registered, compared with the white population, taking the census of 1870 as a basis. For instance, in Plaquemines parish the registry lists show one white name for every seven and one-fifth

[1] For methods employed by the whites in overthrowing Reconstruction see chapters XII and XIII.

of the total white population; but one black name for every three and one-eighth of the total colored population. But while I was in Plaquemines, out of a panel of 48 names drawn for jurors, from the registry lists of 1874, only twelve could be found. The other thirty-six were non-existent — that is to say, they were fraudulently registered names. In St. Charles the whites registered are one in three and a half, the blacks one in two and a half of the respective populations. In St. James, the white registry was one in four and a half, the black, one in two and a half, of their population. In St. Landry, where it was pretended that there was intimidation, white and black both registered one in four and a half of their population. In Carroll, the whites registered [one in] five and one-third, and the blacks [one in] three and seven-tenths, of their population. In Terre Bonne, the registered voters stood — white, [one in] four and seven-eighths; black, [one in] three and two-thirds, and so on. In many parishes the proportions were reversed; but in the greater number the colored men registered a larger proportion to their population than the whites to theirs. . .

The Alabama Registration and Election laws, made in 1868-'69, and unchanged until last winter [1874-5], formed one of the most perfect machines for political fraud that I have ever heard of. . . A complete registration of the State was made in 1868-'69. The lists then made were, by law, then placed in charge of the probate judges in the counties, and these were obliged thenceforth to place every one's name in the registry who applied for the purpose, and took oath that he was a citizen of the State and county, and had the requisite qualifications; and such application might be made at any time.

No provision was made for any revision of these registration lists to strike off the names of the voters who died or removed; new names were added from year to year, or rather from day to day, for there was no set time for registration; it was possible even for a man to register under several different names. Moreover, lest any voter should neglect registration, it was provided that an inspector of election must register him, if required, on the day of election; and the names so registered

were afterwards sent to the probate judge. It is easy enough to see that the registration lists so prepared, and never revised, were mere instruments to conceal fraud. That is to say they would have been the cloak for frauds at election if they had ever been used.

For fear that they might, under some conceivable circumstance, be used to detect fraudulent voting, an amendment to the Registration Act, passed by the Legislature, March 3, 1870, enacts this astounding provision: "That it is the intent and meaning of this act (namely the Registration Act) that no registration lists shall be used by any inspector, or any other officer of election, on the day of election for the purpose of determining who may or may not vote; and any person attempting to interfere in any manner with any other person who may desire to vote, shall be deemed guilty of a misdemeanor, and punished in the same manner as now provided for in the election laws."

Bacon and Hams in Politics

(1) *House Report no. 262, 43 Cong., 2 Sess.*, p. 1299. Report of Captain W. T. Gentry, 19th Infantry, U. S. A. (2) Nordhoff, *Cotton States in 1875*, p. 88. Under pretense of relieving destitution caused by floods in Alabama the radical members of Congress from that State secured an appropriation from Congress. The appropriation was made in the spring, but the bacon was held until the fall elections and distributed mainly in districts never flooded. The War Department investigated and took back much of the bacon. [1874]

[1] THESE reports are by no means as complete as they should be, but by reference to them it will be seen that in the first congressional district, M. G. Candee issued in Wilcox and Monroe Counties 24,902 pounds; G. V. Boynton, in Dallas County, 19,021 pounds. . . In the second congressional district, Holland Thompson and J. C. Hendrix issued at Montgomery, for various localities, 14,151 pounds, and forwarded to Lowndes County, 8,283 pounds; Butler County, 4,235 pounds; Dale County, 2,482 pounds; Barbour County, 4,527 pounds; Bullock County, 5,169 pounds; Pike County, 2,066 pounds; Henry County, 1,036 pounds. Of this, 5,248 pounds sent to Eufaula, for Barbour and Henry Counties, and 1,991 pounds sent to

Pike County have been reclaimed by the government. In the third congressional district G. W. Braxall reports that he transferred 3,000 pounds to Clay County, 2,000 pounds to Randolph County, 3,000 pounds to Coosa County, 3,500 pounds to Elmore County, and 1,000 pounds to G. P. Plowman, by order of Hon. Charles Pelham, and issued 7,500 pounds in Talladega County. The receipts, however, transmitted with this report, only account for 6,500 pounds. . . W. H. Betts, of this district, has made no report; but of the amount consigned to him by Governor Lewis's agent, 9,792 pounds at Opelika, and 2,390 pounds at Seale Station, have been reclaimed by the Government.

In the fourth congressional district, J. W. Dereen reports having issued 8,606 pounds in Marengo County, and forwarded to Autauga County, 4,915 pounds; Bibb County, 1,000 pounds; Choctaw County, 3,568 pounds; Greene County, 6,000 pounds; Hale County, 6,500 pounds; Perry County, 1,000 pounds; Pickens County, 4,628 pounds; Sanford County, 4,000 pounds; Shelby County, 1,000 pounds; Sumter County, 6,000 pounds; Tuscaloosa County, 4,918 pounds. In the fifth congressional district, J. H. Austin reports having forwarded to Walker County, 2,178 pounds, and having issued the balance, 29,100 pounds.

[2] As to the use made of government bacon, Perrin [deputy U. S. Marshal] testified: "I issued the bacon for Monroe County. Previous to doing so, a report was circulated among the negroes that in order for them to obtain bacon they would have to vote the straight Republican ticket; and if they received bacon, and afterwards refused or neglected to vote the said Republican ticket, they would forfeit their rights in law. As I was a candidate for the Legislature upon said ticket, I did not consider it necessary to correct this report. . . It was extensively circulated through Monroe, Conecuh, Clark, and Wilcox Counties that a barbecue would be held at Monroeville on election day, and that all negroes who would attend and vote the Republican ticket would receive bacon enough to last them a year. This induced many to come from adjoining counties

to Monroeville and vote on said day. The barbecue was held and largely attended. . . At least five hundred illegal votes were cast there for the Republican ticket."

Voting Early and Often

Wallace, *Carpet Bag Rule in Florida*, p. 335. Wallace took part on the Republican side, in the campaign described. [1876]

THE colored brothers, now following the instructions given them by Stearns [1] through Saunders, began to vote early and often. From the Georgia line to the Capitol was a distance of twenty-miles, with three or four precincts between those points. They started early in the morning and voted at every precinct on that line of march to the capital, and each time the same man would vote under an assumed name. It can be fairly estimated that at least five hundred votes were secured in Leon county alone by this method. How much of this repeating was done in other parts of the State we shall not attempt to say; but this was a general order to be observed throughout the State, when it could be done without detection. The counties were not then divided into precincts as they are now, and therefore the voter could cast his ballot anywhere in the county. At one of the Lake Jackson polls, where Stearns had worked up considerable influence through his Government land information, the handy Superintendent, Joseph Bowes, had camped all night, carrying with him a cart-load of rifles. He had notified the colored people to meet him out there, which was done. He informed them that Governor Stearns had sent the rifles out there for their protection. On the contrary, the guns were carried out for his protection in case the whites should detect him in his contemplated frauds. Bowes had prepared in the office of the Tallahassee *Sentinel*, the official organ of the Government, several hundred tickets with the names of the Republican candidates printed in very small type. The tickets were about an inch and a half long by an inch wide. He opened the polls on the morning of election, before the hour designated, and before the whites arrived, and deposited in the

1. Governor M. L. Stearns, candidate for re-election.

box as many of these tickets as he desired. When the whites arrived they felt confident that something was wrong, but what it was they could not exactly tell, but at the close of the polls, when the ballot box was opened the secret was revealed. Several hundred of these "little jokers" bounced out and they were counted just as though they had been honestly voted. The whites protested against counting them, but Bowes and the balance of the board said that they were in the box and must be counted. A large majority was by this means sent in for Stearns, from this poll, and Bowes was lionized by the Governor and his managers for this heroic act.

A "Little Joker"

House Misc. Doc. no. 31, part ii, 45 Cong., 2 Sess., p. 90. A "little joker" was a ballot printed with small type on thin paper in order that several might be folded within a regular ballot and deposited without detection. This one was used in the Florida election of 1876. The scheme was later used by the whites to overcome negro majorities. The ticket below is the size of the original. [1876]

Presidential Electors.—Frederick C. Humphries, Charles H. Pearce, William H. Holden, Thomas W. Long.
For Governor.—Marcellus L. Stearns.
For Lieutenant-Governor.—David Montgomery.
For Congress, First District.—William J. Purman
For the Assembly, Leon County.—William F. Thompson, William H. Ford, Edmund C. Weeks, Denard Quarterman.

The Ghost of the Confederacy

House Report no. 262, 43 Cong., 2 Sess., p. 181. Statement of a white Democrat, in Alabama. The fear of Davis was thus kept up as long as he lived. [1874]

A FEW days after the election [1874], the Hon. Mr. Pelham, M. C., who was here at the election, passed up through my neighborhood. The negroes knew him; I didn't. He had canvassed the district with the candidate here. I had a couple of negroes with me on the side of the road cutting a tree when

Mr. Pelham passed. . . They asked him how the election had gone, because they would not believe what I had told them. He told them, and said, "Jeff. Davis will be in Montgomery on a certain day," naming a certain Monday, and "that he was going to organize the Confederate Congress." That scared them desperately; and one of them said the white people would not allow him to hunt on their land. They thought that was an infringement, and appealed to Mr. Pelham. He said: "Yes; and that will always be the case if you allow the democrats to get ahead of you about carrying offices."

Why Adam Kirk was a Democrat

House Report no. 262, 43 Cong., 2 Sess., p. 106. Statement of an Alabama negro. [1874]

A WHITE man raised me. I was raised in the house of old man Billy Kirk. He raised me as a body servant. The class that he belongs to seems nearer to me than the northern white man, and actually, since the war, everything I have got is by their aid and their assistance. They have helped me raise up my family and have stood by me, and whenever I want a doctor, no matter what hour of the day or night, he is called in whether I have got a cent or not. And when I want any assistance I can get it from them. I think they have got better principles and better character than the republicans.

Fear of Spells and Charms

Senate Report no. 527, 44 Cong., 1 Sess., p. 1052. Statement of Reuben Davis of Mississippi, former member of Congress. [1875]

THEY have intimidated them by telling them if they should dare to vote with the white people, democrats, that the colored people would — as they always believed in what they called "spells" or "charms" — that they would fill them with lizards and scorpions and snakes, and bring diseases upon them, so that they would die; that they would be overthrown in their social relations; that if they got sick they would not visit them; if they died they would not accompany their remains to the grave. Very large numbers of colored people have told me often that

they have desired to vote with the white people, but said they were afraid to do it; afraid of their own people, and afraid they would be murdered; they would have these spells put upon them, and they would be excluded from all social intercourse, and that they could have no intercourse with the white people, and that it would be a system of ostracism they would be unwilling to encounter or endure.

Negro Democrats in South Carolina

Senate Misc. Doc. no. 48. 44 Cong., 2 Sess., pp. 592, 597, 959, 963. Statements made by negro Democrats. Numbers of negroes voted for Hampton in 1876. [1876]

[1] THERE was a woman down there, and she run up to the colored men [Democrats] that had red shirts on, and there was a colored man who had been living in Isam Mitchell's house, and three colored women tore his shirt off from him. . . They just knocked him from one side to the other; and Ralph Nowell, he came up at the time and said, "See here, what are you doing with this man?" And they said, "He is a Hampton man, and he has got on a red shirt." Ralph said, "See here, its no difference what he has on, you can't interfere with him;" he picked up his hat and put it on and went off without his shirt. They tore every rag off from him, and the red shirt too. . .

[2] They said . . the Yankees are coming up here, and all you that voted the democratic ticket you will be shot down by the time you do it; and a good while after I voted, sure enough there was a parcel of Yankees come down there, and I thought they had come down there to shoot me sure enough, and I didn't know any better till I saw them coming up in the wagon, and Anderson and myself was going into the swamp.

[3] Then I were disbanded from church, for they said they wanted no democrat to come into church . . and my wife were treated the same. . . They slipped away from their wives and others, and numbers of them on account of their wives, that would have voted the democratic tickets, that were 'buked so by their wives and other women that they were feared to vote, and up to this very day there's one colored man that his wife has left him, and has not had anything to do with him in two months. Some came to me on the day of election and got tickets and slipped in and voted the democratic ticket, that I had no more idea that they were going to vote the democratic ticket than that I am sleeping now.

[4] Good gracious alive, if abusing would kill me I would have been dead long ago. But I didn't pay no attention to it at all. Me and my daughter and another girl that was staying with me, they wanted to go to a party, and I says, "I don't want to go." And she said, "Let's go;" and I said, "Let's not go for they will get into a row and abuse me." And she said, "I reckon not," and so prevailed upon me to go; and when I went, the first man I approached, he says, "You God damned democrat, I have a good mind to just pull my pistol out and shoot you." . . I wanted to be peaceable. There was one man, he says to me, "You damned democrat nigger, you can't come in my house for nothing. If you do I will kick you out." I says, "From all accounts I don't spect you will have any house very long, because I know you haven't paid for no house, and when your year is up, if you don't do right you will have to leave." Says I, "I am twenty-one, and I am going to vote the democratic ticket anyhow; and I think that I feel it my duty to do so; and if I can't support my family the way I am going on, I want a change in the government. I never have got no good out of the republican party. I never have got ten cents out of the party."

Political Intimidation

Nordhoff, *Cotton States in 1875*, pp. 11, 22, 89, 93. [1875]

As to "intimidation," it is a serious mistake to imagine this exclusively a Democratic proceeding in the South. It has been practiced in the last three years [1872-1875] quite as much, and even more rigorously, by the Republicans. The Federal United States marshal in Louisiana has used cavalry to intimidate Democrats. Similarly, Federal officers confess they did in Alabama and elsewhere. The negroes are the most savage intimidators of all. In many localities which I have visited, it

was as much as a negro's life was worth to vote the Democratic ticket; and even to refuse to obey the caucus of his party caused him to be denounced as a "Bolter," and to be forsaken by his friends, and even by his wife or sweetheart. That there has also been Democratic intimidation is undeniable; but it does not belong to the Southern Republicans to complain of it. In North Carolina, a leading and intelligent negro told me that he and others of his race were opposed to the Civil Rights Bill, but they did not dare to let their opposition be known, because, as he said, they would at once have been denounced among their people, and would have lost all influence with them. In Wilmington, a young negro lawyer was mobbed by his people, because he ventured to oppose corrupt candidates for office. This was told me by a colored man. .

In their political relations among each other, they are as intolerant and unscrupulous as ignorant men suddenly possessed of political rights are sure to be. The caucus rules with a singular tyranny among them. The slightest assertion of political independence is resented. The restive negro's name is sent out through the country or district, with "Bolter" affixed to it; and this fixes upon him the stigma of treason. The church, his friends, the young women, if he is unmarried, all avoid him; and he is effectually under a ban of ex-communication. . .

Nor did the candidates confine themselves to verbal intimidation. One circulated an "order" to the colored people to vote for him, signed, "U. S. Grant, President." Another, J. S. Diggs, now and at that time county solicitor, [Dallas County, Alabama], and in May arrested under criminal indictment by the grand jury for embezzlement and bribery, circulated through the county a printed warning against his opponent:

REPUBLICANS, BEWARE!
Any one found with tickets with the
Bolter Silby's Name
on it will be prosecuted and sent to the
penitentiary.
J. S. Diggs, Solicitor, Dallas County.

Why the Whigs Became Democrats

Ku Klux Report, Georgia testimony, pp. 760-779. Statement of Benjamin H. Hill, later senator from Georgia. So much did the Old Whigs dislike the Democrats that the white party was during Reconstruction called the Conservative party, not Democratic. Not until 1906 was the term "Conservative" dropped as a part of the name of the white party in Alabama. [1871]

THE very best class of people, especially the old whigs and the Union men . . objected to the reconstruction measures of Congress, because of the fact that these measures disfranchised indiscriminately our white people, and enfranchised their slaves, and thereby compelled the former intelligent master of the slaves, to submit to a government to be formed of a constituency composed of their slaves and such persons as chose to act with them. It was, therefore, a sense of self-respect, not any desire to injure the negro or to resist the government, and not any desire even to not submit to reconstruction, but it was a sense of self-respect and of honor that prevented them from accepting the reconstruction measures. . . As the result of that feeling, of that sense of self-respect, many of the old whigs and "Union" democrats were driven where they did not want to go, into temporary affiliation with the democratic party. . .

I tell you frankly that after the war ended, we, the old whigs and the Union men, expected to take control of affairs down here; that was our expectation, and I think we would have done it if you had allowed us to do so. I will tell you candidly that I think very likely if the republican party had been . . magnanimous to the old whigs after the war, in extending us privileges, . . it might have built up a republican party in the South, and given us the control of this country. Then you would have forced upon our people the conviction that the democracy was responsible for the war, for all its consequences, and for all the losses that followed; but, by pursuing a different policy, you convinced our people that the most horrid accounts given by the secession democrats of the purposes of the northern people were true. The old whigs and Union men before the war utterly scouted the idea that there was any desire on the part of the northern people to oppress us. . .

I have done more writing since the war upon that subject than anybody else, and my writings are full of that. . . I think, my opinions were responded to unanimously by the whigs; every old whig paper in the State, and every old Union democratic paper in the State, was in accord with those sentiments uttered by me until, I will say, twelve months ago [1870]. . .

I advised [1866] our people to go into a new party arrangement if possible. I used this expression: . . We will not go to the democracy, because if secession was wrong the democratic party instigated it; and if secession was right, the democratic party of the North joined in the war to put it down. In no event, therefore, should we of the South trust the democratic party. . .

We old whigs said, Well, you see all the evils of secession that we prophesied have become true; now we suppose the people will believe us, and not believe the old secession democrats, who wanted to drink all the blood that would be shed by the war; we suppose now that the old whig party will arise from its ashes in some form, at least what we call the anti-democratic element. . .

But . . Congress came in, lumped the old Union democrats and whigs together with the secessionists, and said that they would punish us all alike; would put us all alike under the negro. That naturally created a sympathy between us and the secession democrats. Congress by that act prevented us from saying to the secession democrats that all they had said was untrue; that the northern people had no desire to oppress them, because the acts of Congress proved that they were right. I wish to state once more, as an evidence that the old Union democrats and the whigs might have come to the surface and controlled this country, we elected an old Union whig as the first governor in 1865, whom the democrats had repeatedly rejected before the war, whom we never could elect before the war.

5. STATE AND NATIONAL POLITICS

President Grant and Mississippi Politics

Annual Cyclopedia, 1869, p. 457. Judge Louis Dent, Grant's brother-in-law, was the candidate for governor nominated by the reform element of the Republican party in Mississippi. The first letter is from Grant to Dent and the second is Dent's reply. [1869]

Long Branch, August 1, 1869.

[1] DEAR JUDGE: I am so thoroughly satisfied, in my own mind, that the success of the so-called Conservative Republican party of Mississippi would result in the defeat of what I believe to be the best interests of the State and country, that I have determined to say so to you. . . I know or believe that your intentions are good in accepting the nomination from the Conservative party. I would regret to see you run for an office and be defeated by my act; but, as matters now look, I must throw the weight of my influence in favor of the party [Radical] opposed to you. . .

[2] Is it reasonable to suppose that a people, having the free choice of their representatives, would elect for their rulers a class of politicians whose aggressive and hostile conduct hitherto has rendered them peculiarly obnoxious and disagreeable? This is the charge made by the people of Mississippi against the radicals. . .

This charge is not made because they fought against the South and secession, for many of that class fought on the side of the South. It is not made because they are of Northern birth and education, for many men of Northern birth and education and of the Northern army are with us in antagonism to this obnoxious party. It is not because they are Republicans, for their antagonists were among the first in the South to organize on the Republican platform and to advocate the civil and political equality of all men, were sent as delegates to Chicago, and for their consistency and constancy were rewarded by you with offices of truth and honor.

But this charge is made . . because the proscriptive antecedents and aggressive policy of these politicians toward the people of Mississippi have made them the objects of peculiar abhorrence. That policy consists not only in the continual advocacy of proscription, but . . such revolutionary doctrines as excite and direct against the white men of the South, and their families a most dangerous animosity . . which, with continuation of the same fuel, would inevitably lead to a black man's party and a war of races.

Neither are such doctrines preached with an honest desire to ameliorate the condition of the freedmen, or promote the ends of peace, or strengthen the Republican party in the South, but solely to alienate from the planter the time-honored confidence and affection of this race, in order that the new political element under the banner of Republicanism, might be entirely controlled and subordinated to their own purposes of power and aggrandizement; and to this class of men, whom you foiled in their attempt to force upon the people of Mississippi the odious constitution rejected at the ballot-box, you now give the hand of fellowship and support, and spurn from you that other class who, accepting the invitation of the Republican party, in good faith, came *en masse* in Virginia and Tennessee, as they will come in Mississippi and Texas, to stand upon its platform, and advocate its principles.

Division among the Arkansas Republicans

Annual Cyclopedia, 1869, p. 30. A protest signed by eighteen members of the Arkansas legislature. [1869]

WHEREAS, In the bad management of our State government under the unwise administration of Governor Powell Clayton, and in the rash, reckless, and improvident legislation of the General Assembly, under the control of the Governor and his partisans, the Republican party of Arkansas has received wounds, from the effects of which the most energetic and untiring efforts of its true friends and defenders can alone rescue it, and save it from threatened defeat and overthrow: therefore, . .

We deem it proper to enumerate the following among the more prominent causes of complaint.

1. The criminal abuse of power and dereliction of duty on the part of the Governor as commander-in-chief of the militia forces of the State, under the late reign of martial law, whereby that which was intended by its friends and advisers as a wise and wholesome measure of safety to the government and safety to the private citizens, has been turned into a means of wrong, crime, and oppression.

2. The criminal and corrupt mismanagement of our great and important railroad interests, whereby a large portion of the State has been entirely ignored and overlooked in the dispensation of "state aid," and nearly all of the leading authorized routes of the State been seized upon by an organized "ring" of penniless adventurers . . who, in connection with the board of railroad commissioners under the control of the Chief Executive, have been made the recipients and beneficiaries of all the benefits of the "loan bill," by which some thirteen millions of dollars have been awarded.

3. The improvident, not to say corrupt, management of the funding bill, by which a debt of several millions of dollars, . . which the State neither legally nor morally owes, has been assumed and funded without the authority or consent of the people, and contrary to the Constitution of the State.

4. The general spirit of reckless expenditure, extravagant appropriation, which has characterized the administration of the government in all its departments, whereby the annual expenses of the State government, which the representatives of the party promised the people, in their speeches and through their press during the late presidential canvass, shall not exceed two or three hundred thousand dollars, have run up to the enormous and almost incredible sum of a million and a half dollars per annum.

Reform Republicans in Arkansas

Annual Cyclopedia, 1872, p. 26. In each Southern state, between 1868 and 1872, the reform element in the radical party gradually separated from it. [1872]

And whereas, A large number of persons were indicted in the Federal courts in this State for a most flagrant violation of the election laws, and President Grant, upon the application, and in the interest of such indicted criminals and their accessories, suspended honest and efficient officers, for no other reason than that they would rigorously enforce the law, and allowed and permitted such indicted criminals to designate and name the marshal to select the jury by which they were to be tried, and the attorney to prosecute them for such offences, whereby the criminals were turned loose without punishment, and the law trampled under foot, and fraud and crime encouraged, and has seen fit to take sides with and support the corrupt State-house ring in their iniquities against the people: *and whereas,* it is now evident that President Grant will receive the nomination for President by the convention of office-holders to be held in Philadelphia: therefore, be it

Resolved, That we emphatically condemn the course of the President, in his intermeddling with Arkansas affairs, in the interest of crime and disorder, and decline to send delegates to the Philadelphia Convention. .

Resolved, That we most cordially endorse the nomination of Horace Greeley and B. Gratz Brown, and the platform upon which they stand, . . therefore, to the end that a free people may be disenthralled from the unjust and unlawful burdens and calamities which are imposed upon them, we cordially invite all the friends of free government, law, order, and justice, to co-operate with us in this fearful but determined conflict which a wronged and a robbed people are waging against corrupt and despotic rulers, under Greeley's rallying cry of "honest men for office, and thieves to the rear."

Anything to Defeat Grant

Annual Cyclopedia, 1872, p. 546. Resolutions of the Mississippi Conservatives. [1872]

RESOLVED, That, to defeat the Administration of President Grant, and restore the Government to the path of freedom, peace, honesty, and economy, we are prepared to lay down all prejudices upon the altar of our common country; and, in obedience to the promptings of duty and patriotism, to clasp hands with the friends of constitutional liberty in the North . . and help to the presidency of the United States Horace Greeley and B. Gratz Brown.

Resolved, That our policy should aim at local self-government and not at centralization; that the civil authority should be supreme over the military; that the writ of *habeas corpus* should be zealously upheld as the safeguard of personal freedom; that the individual citizen should enjoy the largest liberty consistent with public order, and that there shall be no Federal supervision of the internal policy of the several States and municipalities, but that each shall be left free to enforce the rights and promote the well-being of its inhabitants by such means as the judgment of its people shall prescribe.

Resolved, That it is our solemn conviction that the overthrow of the Administration of President Grant is the one vital necessity of the hour.

Liberal Republican Demands

McPherson, *Handbook, 1872*, pp. 207, 209. Extracts from the Cincinnati Platform. [1872]

3. WE demand the immediate and absolute removal of all disabilities imposed on account of the rebellion, which was finally subdued seven years ago, believing that universal amnesty will result in complete pacification in all sections of the country.

4. Local self-government, with impartial suffrage, will guard the rights of all citizens, more securely than any centralized power. The public welfare requires the supremacy of the civil over the military authority, and the freedom of person under the protection of the habeas corpus. We demand for

the individual the largest liberty consistent with public order, for the State self-government, and for the nation a return to the methods of peace and the constitutional limitations of power.

Republican Platform, 1872

McPherson, *Handbook, 1872*, p. 204. Extracts relating to Reconstruction. [1872]

2. THE recent amendments of the national Constitution should be cordially sustained because they are right, not merely tolerated because they are law, and should be carried out according to their spirit by appropriate legislation, the enforcement of which can safely be intrusted only to the party that secured those amendments.

3. Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal Legislation. Neither the law nor its administration should admit any discrimination in respect of citizens by reason of race, creed, color, or previous condition of servitude. . .

12. We hold that Congress and the President have only fulfilled an imperative duty in their measures for the suppression of violent and treasonable organizations in certain lately rebellious regions, and for the protection of the ballot box; and therefore they are entitled to the thanks of the nation.

Politics in Alabama, 1874

Annual Cyclopedia, 1874, p. 15. Conservative platform. The Southern Conservative platforms were remarkably alike in 1874. [1874]

3. THAT the so-called civil rights bill recently passed by the Federal Senate, and now pending in the House, is a flagrant and dangerous invasion of the ancient and conservative principles of personal liberty and free government, and is a palpable violation of the Federal Constitution, and presents an issue of vital moment to the American people, and calls upon them to decide at the ballot-box whether they will or will not be

coerced to absolute, social as well as political, equality of the negro race with themselves. We view with abhorrence the attempt on the part of the Federal Government to take control of schools, colleges, hotels, railroads, steam-boats, theatres, and graveyards, for the purpose of establishing negro equality, and enforcing it under numerous penalties of fines, damages, and imprisonment.

4. Civil remedies for the protection of civil rights are adequately provided by the common law to all races of men in this State, and added to these are social remedies for social wrongs, which every race and class of men are perfectly left free by the laws to adopt for themselves; so that the negro race has the same means of protecting itself against the invasion of its civil rights under the law, and against intrusion upon its so-called rights and privileges by the white race, that we have to preserve and protect ourselves and families against the intrusion of the negro race. Under these laws, the race to which in the providence of God we belong has achieved an eminence among the people of the world, which is our proud inheritance, and has become to us a trust we cannot resign without dishonor. We therefore denounce as a violation of the letter and spirit of our Constitution, and as dishonoring to the genius of our race, all legislative enactments which attempt to convert into crimes the rules and maxims of our social intercourse, to which we are indebted for the excellence and glory of our civilization, or to punish with degrading penalties our refusal to admit an ignorant and barbarous race to equal participation with our families in our social institutions.

Democratic Views on the Southern Question, 1876

McPherson, *Handbook, 1876*, pp. 215, 218. Extracts from (1) National Democratic platform, and (2) Tilden's letter of acceptance. [1876]

[1] REFORM is necessary to rebuild and establish in the hearts of the whole people, the Union, eleven years ago happily rescued from the danger of a secession of States; but now to be saved from a corrupt centralism which, after inflicting

upon ten States the rapacity of carpet-bag tyrannies, has honeycombed the offices of the Federal Government itself with incapacity, waste, and fraud; infected States and municipalities with the contagion of misrule, and locked fast the prosperity of industrious people in the paralysis of "hard times."

[2] An accessory cause enhancing the distress in business is to be found in the systematic and insupportable misgovernment imposed upon the States of the South. Besides the ordinary effects of ignorant and dishonest administration, it has inflicted upon them enormous issues of fraudulent bonds, the scanty avails of which were wasted or stolen, and the existence of which is a public discredit, tending to bankruptcy or repudiation. Taxes, generally oppressive, in some instances have confiscated the entire income of property and totally destroyed its marketable value. It is impossible that these evils should not re-act upon the prosperity of the whole country. The nobler motives of humanity concur with the material interests of all in requiring that every obstacle be removed, to a complete and durable reconciliation between kindred populations once unnaturally estranged, on the basis recognized by the St. Louis platform, of the "Constitution of the United States, with its amendments universally accepted as a final settlement of controversies which engendered civil war."

The Republican Standpoint in 1876

McPherson, *Handbook, 1876*, p. 210. Extract from Republican platform. [1876]

THE permanent pacification of the Southern section of the Union and the complete protection of all its citizens in the free enjoyment of all their rights, is a duty to which the Republican party stands sacredly pledged. The power to provide for the enforcement of the principles embodied in the recent constitutional amendments, is vested by those amendments in the Congress of the United States, and we declare it to be the solemn obligation of the legislative and executive departments of the Government to put into immediate and vigorous exercise all their constitutional powers for removing

any just causes of discontent on the part of any class, and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political and public rights. To this end we imperatively demand a Congress and a Chief Executive whose courage and fidelity to these duties shall not falter until these results are placed beyond dispute and recall.

6. FEDERAL CONTROL IN STATE AFFAIRS

First Enforcement Act

Acts and Resolutions, 41 Cong., 2 Sess., p. 95. [May 31, 1870]

Be it enacted . . That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial sub-division, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Sec. 2. . . If by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 3. . . Whenever, by or under the authority of the constitution or laws of any State, or the laws of any Territory, an act is or shall be required to [be] done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen who shall wrongfully refuse or omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offence [be subject to the same penalties provided for in Sec. 2]. . .

Sec. 4. . . If any person, by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, or shall combine and confederate with others to hinder, delay, prevent, or obstruct, any citizen from doing an act required to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned

not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 5. . . If any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate any person from exercising or in exercising the right of suffrage, to whom the right of suffrage is secured or guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery, threats, or threats of depriving such person of employment or occupation, or of ejecting such person from rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, such person so offending shall be deemed guilty of misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

Sec. 6. . . If two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, — the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years, — and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit or trust created by the Constitution or laws of the United States.

Sec. 7. . . If in the act of violating any provision in either of the two preceding sections, any other felony, crime, or misdemeanor shall be committed, the offender, on conviction of such violation of said sections, shall be punished for the same with such punishments as are attached to the said

felonies, crimes, and misdemeanors by the laws of the State in which the offense may be committed.

Sec. 8. . . The district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, arising under this act, except as herein otherwise provided, and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offences not infamous, the prosecution may be either by indictment or information filed by the district attorney in a court having jurisdiction.

Sec. 9. . . The district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as has cognizance of the offense. And with a view to afford reasonable protection to all persons in their constitutional right to vote without distinction of race, color, or previous condition of servitude, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States, and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this

act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act as they are authorized by law to exercise with regard to other offences against the laws of the United States.

Sec. 10. . . It shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person deprived of the rights conferred by this act. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their districts respectively, to appoint in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties, and the persons so appointed . . shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States; and such warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

Sec. 11. . . Any person who shall knowingly and willfully obstruct, hinder, or prevent any officer or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from

the custody of the officer or other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offenses, be subject to a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, at the discretion of the court, on conviction before the district or circuit court of the United States. . .

Sec. 12. [Relates to fees of Federal officials.]

Sec. 13. . . It shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of the judicial process issued under this act.

Sec. 14. . . Whenever any person shall hold office, except as a member of Congress or of some State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States, it shall be the duty of the district attorney of the United States for the district in which such person shall hold office, as aforesaid, to proceed against such person, by writ of quo warranto, returnable to the circuit or district court of the United States in such district, and to prosecute the same to the removal of such person from office; and any writ of quo warranto so brought, as aforesaid, shall take precedence of all other cases on the docket of the court to which it is made returnable, and shall not be continued unless for cause proved to the satisfaction of the court.

Sec. 15. . . Any person who shall hereafter knowingly accept or hold any office under the United States, or any State to which he is ineligible under the third section of the four-

teenth article of amendment of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States, and, upon conviction thereof before the circuit or district court of the United States, shall be imprisoned not more than one year, or fined not exceeding one thousand dollars, or both, at the discretion of the court.

Sec. 16. . . All persons within the jurisdiction of the United States shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country; and any law of any State in conflict with this provision is hereby declared null and void.

Sec. 17. [Penalty for violating preceding section, $1,000 fine or less, or one year's imprisonment or less, or both.]

Sec. 18. [Civil Rights Act of April 9, 1866 re-enacted] and sections sixteen and seventeen hereof shall be enforced according to the provisions of said act.

Sec. 19. . . If at any election for representative or delegate in the Congress of the United States any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure a right or an opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise

thereof, or otherwise unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right; or compel or induce by any such means, or otherwise, any officer of election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any of such means, or other unlawful means, induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution in any court of the United States of competent jurisdiction, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

Sec. 20. [Similar penalties for unlawful interference with the registration of voters.] *Provided,* That every registration made under the laws of any State or Territory, for any State or other election at which such representative or delegate in Congress shall be chosen, shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

Sec. 21. . . Whenever, by the laws of any State or Territory, the name of any candidate or person to be voted for as

representative or delegate in Congress shall be required to be printed, written, or contained in any ticket or ballot with other candidates or persons to be voted for at the same election for State, territorial, municipal, or local officers, it shall be sufficient prima facie evidence, either for the purpose of indicting or convicting any person charged with voting, or attempting or offering to vote, unlawfully under the provisions of the preceding sections, or for committing either of the offenses thereby created, to prove that the person so charged or indicted, voted, or attempted or offered to vote, such ballot or ticket, or committed either of the offenses named in the preceding sections of this act with reference to such ballot. And the proof and establishment of such facts shall be taken, held, and deemed to be presumptive evidence that such person voted, or attempted or offered to vote, for such representative or delegate, as the case may be, or that such offense was committed with reference to the election of such representative or delegate, and shall be sufficient to warrant his conviction, unless it shall be shown that any such ballot, when cast, or attempted or offered to be cast, by him, did not contain the name of any candidate for the office of representative or delegate in the Congress of the United States, or that such offense was not committed with reference to the election of such representative or delegate.

Sec. 22. . . Any officer of any election at which any representative or delegate in the Congress of the United States shall be voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who shall neglect or refuse to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or violate any duty so imposed, or knowingly do any act thereby unauthorized, with intent to affect any such election, or the result thereof; or fraudulently make any false certificate of the result of such election in regard to such representative or delegate; or withhold, conceal, or destroy any certificate of record

so required by law respecting, concerning, or pertaining to the election of any such representative or delegate; or neglect or refuse to make and return the same as so required by law; or aid, counsel, procure, or advise any voter, person, or officer to do any act by this or any of the preceding sections made a crime; or to omit to do any duty the omission of which is by this or any of said sections made a crime, or attempt to do so, shall be deemed guilty of a crime and shall be liable to prosecution and punishment therefor, as provided in the nineteenth section of this act for persons guilty of any of the crimes therein specified.

Sec. 23. . . Whenever any person shall be defeated or deprived of his election to any office, except elector of President or Vice President, representative or delegate in Congress, or member of a State legislature, by reason of the denial to any citizen or citizens who shall offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and such person may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it shall appear that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And said circuit or district court shall have, concurrently with the State courts, jurisdiction thereof so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured by this act.

Second Enforcement Act

Acts and Resolutions, 41 Cong., 3 Sess., p. 45. Amending the Act of May 31, 1870. [February 28, 1871]

Be it enacted, . . That section twenty of the Act [of May 31, 1870] . . shall be, and hereby is, amended so as to read as follows:

Sec. 20. . . If [at] any registration of voters for an election for representative or delegate in the Congress of the United States, any person shall knowingly personate and register, or attempt to register in the name of any other person, whether living, dead, or fictitious, or fraudulently register, or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if such officer shall knowingly and willfully register as a voter any person not entitled to be registered; or if any such officer or other person whose duty it is to perform any duty in relation to such registration or election, or to ascertain, announce, or declare the result thereof, or to give any certificate, document, or evidence in relation thereto, shall knowingly neglect or refuse to perform any duty required by law, or do any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto; or if any person shall aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act, the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to prosecution and punishment thereof as provided in section nineteen of said act of May 31,

1870, for persons guilty of any crimes therein specified; *Provided*, That every registration made under the laws of any State or Territory for any State or other election at which such representative or delegate in Congress shall be chosen, shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

Sec. 2. . . Whenever in any city or town having upward of twenty thousand inhabitants, there shall be two citizens thereof who, prior to any registration of voters for an election for representative or delegate in the Congress of the United States, or prior to any election at which a representative or delegate in Congress is to be voted for, shall make known in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town shall be, their desire to have said registration, or said election, or both, guarded and scrutinized, it shall be the duty of the said judge of the circuit court, within not less than ten days prior to said registration, if one there be, or, if no registration be required, within not less than ten days prior to said election, to open the said circuit court at the most convenient point in said circuit. And the said court, when so opened by said judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the said circuit judge, and under the seal of the said court, for each election district or voting precinct in each and every such city or town as shall, in the manner herein prescribed, have applied therefor, and to revoke, change, or renew said appointment from time to time, two citizens, residents of said city or town, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. And the said circuit court, when opened by the said circuit judge as required herein, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this act, and the power and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term

time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

Sec. 3. [If the circuit judge is unable to act he may designate a district judge to take his place.]

Sec. 4. . . It shall be the duty of the superintendent of election, appointed under this act, and they and each of them are hereby authorized and required, to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a representative or delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they shall deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section thirteen of this act, and verify the same; and upon any occasion, and at any time when in attendance under the provisions of this act, to personally inspect and scrutinize such registry, and for purposes of identification to affix their or his signature to each and every page of the original list, and of each and every copy of any such list of registered voters, at such times, upon each day when any name may or shall be received, entered, or registered, and in such manner as will, in their or his judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, in any way, of any name or names.

Sec. 5. . . It shall also be the duty of the said supervisors of election, and they, and each of them, are hereby authorized and required, to attend at all times and places for elections of representatives or delegates in Congress, and for counting the votes cast at said elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, shall doubt; to be and remain where the ballot boxes are kept at all times after the polls are opened until each and every vote cast at said time and place shall be counted, the canvass of all votes polled be wholly completed,

and the proper and requisite certificates or returns made, whether said certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry-lists, and tallies or checkbooks, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept; and to the end that each candidate for the office of representative or delegate in Congress shall obtain the benefit of every vote for him cast, the said supervisors of election are, and each of them is, hereby required, in their or his respective election or voting precincts, to personally scrutinize, count, and canvass each and every ballot in their or his election or voting precinct cast, whatever may be the endorsement on said ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section thirteen of this act, shall have been designated as the chief supervisor of the judicial district in which the city or town wherein they or he shall serve shall be, such certificates and returns of all such ballots as said officer may direct and require, and to attach to the registry-list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part, or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or fairness of the election and canvass, which the said supervisors of election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known, any law of any State or Territory to the contrary notwithstanding.

Sec. 6. . . The better to enable the said supervisors of election to discharge their duties, they are, and each of them is, hereby authorized and directed, in their or his respective election districts or voting precincts, on the day or days of registration, on the day or days when registered voters may be

marked to be challenged, and on the day or days of election, to take, occupy, and remain in such position or positions, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them or him, to see each person offering himself for registration or offering to vote, and as will best conduce to their or his scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are and each of them is, hereby required to place themselves or himself in such a position in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots in said boxes contained as will enable them or him to fully perform the duties in respect to such canvass provided in this act, and shall there remain until every duty in respect to such canvass, certificates, returns and statements shall have been wholly completed, any law of any State or Territory to the contrary notwithstanding.

Sec. 7. . . If in any election district or voting precinct in any town, city or village, for which there shall have been appointed supervisors of election for any election at which a representative or delegate in Congress shall be voted for, the said supervisors of election, or either of them, shall not be allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of or from any person or persons, each and every of the duties, obligations, and powers conferred upon them by this act and the act hereby amended, it shall be the duty of the supervisors of election, and each of them, to make prompt report, under oath, within ten days after the day of election, to the officer who, in accordance with the provisions of section thirteen of this act, shall have been designated as the chief supervisor of the judicial district in which the city or town within [which] they or he served shall be, of the manner and means by which they were, or he was, not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed by this act. And upon receiving such a report it shall be the duty of the said chief supervisor,

acting both in such capacity and officially as a commissioner of the circuit court, to forthwith examine into all the facts thereof; to subpoena, and compel the attendance before him of any witnesses; administer oaths and take testimony in respect to the charges made; and prior to the assembling of Congress for which any such representative or delegate was voted for, to have filed with the clerk of the House of Representatives of the Congress of the United States all the evidences by him taken, all information by him obtained, and all reports to him made.

Sec. 8. . . Whenever an election at which representatives or delegates in Congress are to be chosen shall be held in any city or town of twenty-thousand inhabitants or upward, the marshal of the United States, for the district in which said city or town is situated shall have power, and it shall be his duty, on the application, in writing, of at least two citizens residing in any such city or town, to appoint special deputy marshals, whose duty it shall be, when required as provided in this act, to aid and assist the supervisors of election in the verification of any list of persons made under the provisions of this act, who may have registered, or voted, or either; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where said registration may by law be scrutinized and the names of registered voters be marked for challenge; and also to attend, at all times for holding such elections, the polls of the election in such district or precinct. And the marshal and his general deputies, shall have power, and it shall be the duty of such special deputies, to keep the peace, and support and protect the supervisors of elections in the discharge of their duties, preserve order at such places of registration, and at such polls, prevent fraudulent conduct on the part of any officer of election, and immediately, either at said place of registration, or polling-place, or elsewhere, and either before or after registering or voting, to arrest and take into custody with or without process, any person who shall commit, or attempt or offer to commit, any of the acts or

offenses prohibited by this act or the act hereby amended, or who shall commit any offense against the laws of the United States: *Provided,* That no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, and for the purpose of arrest or the preservation of the peace, the supervisors of election, and each of them, shall in the absence of the marshal's deputies, or if required to assist said deputies, have the same duties and powers as deputy marshals: *And provided further,* That no person shall, on the day or days of any such election, be arrested without process for any offense committed on the day or days of registration.

Sec. 9. . . Whenever any arrest is made under any provision of this act, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Sec. 10. . . Whoever with or without any authority, power, or process, or pretended authority, power, or process, of any State, territorial, or municipal authority, shall obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with or prevent the supervisors of election, or either of them, or the marshal, or his general, or special deputies, or either of them, in the performance of any duty required of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, whether in the execution of process or otherwise, or shall by any of the means before mentioned hinder or prevent the free attendance and presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election, or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove, or eject

from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them, or shall threaten, or attempt, or offer so to do, or shall refuse or neglect to aid and assist any supervisor of election, or the marshal, or his general or special deputies, or either of them, in the performance of his other duties when required by him or them, or either of them, to give such aid and assistance, he shall be guilty of a misdemeanor, and liable to instant arrest without process, and on conviction thereof shall be punished by imprisonment not more than two years, or by fine not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the costs of the prosecution. Whoever shall during the progress of any verification of any list of the persons who may have registered or voted, which shall be had or made under any of the provisions of this act, refuse to answer, or refrain from answering, or answering shall knowingly give false information in respect to any inquiry lawfully made, such persons shall be liable to arrest and imprisonment as for a misdemeanor, and on conviction thereof shall be punished by imprisonment not to exceed thirty days, or by fine not to exceed one hundred dollars, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

Sec. 11. [A supervisor or a deputy marshal who neglects the duties of his office to be punished by fine or imprisonment, or by both.]

Sec. 12. . . The marshal or his general deputies, or such special deputies as shall be thereto specially empowered by him in writing and under his hand and seal, whenever he or his said general deputies or his special deputies, or either or any of them, shall be forcibly resisted in executing their duties under this act, or the act hereby amended, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person or persons who shall commit any offense for which said marshal, or his general or his special deputies are authorized to make such arrest, are, and each

of them is hereby, empowered to summon and call to his or their aid the bystanders or posse comitatus of his district.

Sec. 13. . . It shall be the duty of each of the circuit courts of the United States in and for each judicial circuit, upon the recommendation in writing of the judge thereof, to name and appoint, on or before [May 1, 1871] . . and thereafter as vacancies may from any cause arise, from among the circuit court commissioners in and for each judicial district in each of said judicial circuits, one of such officers, who shall be known for the duties required of him under this act as the chief supervisor of elections of the judicial district, in and for which he shall be a commissioner, and shall, so long as faithful and capable, discharge the duties in this act imposed and whose duty it shall be to prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of elections in the several cities and towns in their respective districts; to receive the applications of all parties for appointment to such positions; and upon the opening, as contemplated in this act, of the circuit court for the judicial circuit in which the commissioner so designated shall act, to present such applications to the judge thereof, and furnish information to said judge in respect to the appointment by the said court of such supervisors of election; to require of the supervisors of election, where necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and to cause the names of those upon any such list whose right to register and vote shall be honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and to receive, preserve, and file all oaths of office of said supervisors of election, and of all special deputy marshals appointed under the provisions of this act, and all certificates, returns, reports and records of every kind and nature contemplated or made requisite under and by the provisions of this act, save where otherwise herein specially directed. And it is hereby made the duty of all United States marshals and commissioners who shall in any judicial district

perform any duties under the provisions of this act, or the act hereby amended, relating to, concerning, or affecting the election of representatives or delegates in the Congress of the United States, to, from time to time, and with all due diligence, forward to the chief supervisors, in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

Sec. 14. [Relates to compensation of supervisors and deputy marshals.]

Sec. 15. . . The jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of this act or the act hereby amended; and if any person shall receive an injury to his person or property for or on account of any act by him done under any of the provisions of this act or the act hereby amended, he shall be entitled to maintain suit for damages therefor in the circuit court of the United States in the district wherein the party doing the injury may reside or shall be found.

Sec. 16. . . In any case where suit or prosecution, civil or criminal, shall be commenced in a court of any state, against any officer of the United States, or other person, for or on account of any act done under the provisions of this act, or under color thereof, or for or on account of any right, authority, or title set up or claimed by such officer or other person, under any of said provisions, it shall be lawful for the defendant in such suit or prosecution, at any time before trial, upon a petition to the circuit court of the United States in and for the district, in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counselor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that as counsel for the petition[er] he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition,

and that he believes the same to be true, which petition, affidavit, and certificate shall be presented to the said circuit court, if in session, and, if not, to the clerk thereof at his office, and shall be filed in said office and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of said clerk of said court if the suit was commenced in the court below by summons, to issue a writ of certiorari to the State court, requiring said court to send to the circuit court the record and proceedings in said cause; or if it was commenced by capias, he shall issue a writ of habeas corpus cum causa, a duplicate of which said writ, shall be delivered to the clerk of the State court, or left at his office by the marshal of the district, or his deputy, or some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in such cause, and the said suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial, or judgment therein in the State court, shall be wholly null and void; and any person, whether an attorney or officer of any State court, or otherwise, who shall thereafter take any steps or in any manner proceed in the State court in any action so removed, shall be guilty of a misdemeanor, and liable to trial and punishment in the court to which the action shall have been removed, and upon conviction thereof shall be punished by imprisonment for not less than six months nor more than one year, or by fine for not less than five hundred nor more than one thousand dollars, or by both such fine and imprisonment, and shall in addition thereto be amenable to the said court to which said action shall have been removed as for a contempt; and if the defendant in any such suit be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the same cause according to the rules of law and the order of the circuit court, or of any judge thereof in vacation. And all attach-

ments made and all bail or other security given upon such suit or prosecution shall be and continue in like force and effect as if the same suit or prosecution had proceeded to final judgment and execution in the State court. And if upon the removal of any such suit or prosecution it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding judgment of non prosequiter may be rendered against the plaintiff, with costs for the defendant.

Sec. 17. [If clerk of State court declines to furnish record of a case to be used in a United States court such record may be supplied by affidavit or otherwise.]

Sec. 18. [Repeals sections five and six of Act of July 14, 1870, amending the naturalization laws.]

Sec. 19. That all votes for representatives in Congress shall hereafter be by written or printed ballot, any law of any State to the contrary notwithstanding; and all votes received or recorded contrary to the provisions of this section shall be of none effect.

Ku Klux Act

Acts and Resolutions, 41 Cong., 1 Sess., p. 294. The third Enforcement Act. [April 20, 1871]

Be it enacted . . That any person who, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights

of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the [Civil Rights Act of April 9, 1866] . . and the other remedial laws of the United States which are in their nature applicable in such cases.

Sec. 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force the government of the United States, or to levy war against the United States or to oppose by force the authority of the government of the United States, or by force, intimidation, or threat to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, or by force, intimidation, or threat to prevent any person from accepting or holding any office or trust or place of confidence under the United States, or from discharging the duties thereof, or by force, intimidation, or threat to induce any officer of the United States to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duty, or by force, intimidation, or threat to deter any party or witness in any court of the United States from attending such court, or from testifying in any matter pending in such court fully, freely, and truthfully, or to injure any such party or witness in his person or property on account of his having so attended or testified, or by force, intimidation, or threat to influence the verdict, presentment, or indictment, of any juror or grand juror in any court of the United States, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, or shall conspire together, or go in disguise upon the public highway or upon the premises of another for the purpose, either directly or indirectly, of depriving any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons within such State the equal protection of the laws, or shall conspire together for the purpose of in any manner impeding, hindering, obstructing, or defeating the due course of justice in any State or Territory, with the intent to deny to any citizen of the United States the due and equal protection of the laws, or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of the laws, or by force, intimidation, or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in a lawful manner towards or in favor of the election of any lawfully qualified person as an elector of President or Vice-President of the United States, or as a member of the Congress of the United States, or to injure any such citizen in his person or property on account of such support or advocacy, each and every person so offending shall be deemed guilty of a high crime, and, upon conviction thereof in any district or circuit court of the United States or district or supreme court of any Territory of the United States having jurisdiction of similar offenses shall be punished by a fine not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, as the court may determine, or by both such fine and imprisonment as the court may determine. And if any one or more persons engaged in any such conspiracy shall do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby any person shall be injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the person so injured or deprived of such rights and privileges may have and maintain an action for the recovery of damages against any one or more of the persons engaged in such conspiracy, such action to be prosecuted in the proper district or circuit court of the United States, with and subject to the

same rights of appeal, review upon error, and other remedies provided in like cases in such courts under the provisions of the [Civil Rights Act]. . .

Sec. 3. That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by this act, and the constituted authorities of such State shall either be unable to protect, or shall from any cause fail in or refuse protection of the people in such rights, such facts will be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy shall oppose or obstruct the laws of the United States or the due execution thereof, or impede or obstruct the due course of justice under the same, it shall be lawful for the President, and it shall be his duty to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district, to be dealt with according to law.

Sec. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of, such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offender and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion, against the government of the United States, and during the continuation of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of habeas corpus, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to habeas corpus, . . [of March 3, 1863] which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further*, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also*, That the provisions of this section shall not be in force after the end of the next regular session of Congress.

Sec. 5. That no person shall be a grand or petit juror in any court of the United States upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of this act who shall, in the judgment of the court, be in complicity with any such combination or conspiracy; and every such juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath in open court that he has never, directly or indirectly, counselled, advised, or voluntarily aided any such combination or conspiracy; and each and every person who shall take this oath, and shall therein swear falsely, shall be guilty of perjury, and shall be subject to the pains and penalties declared against that crime, and the first section of the act [of June 17, 1862, relating to jurors in United States courts] . . be, and the same is hereby, repealed.

Sec. 6. That any person, having knowledge that any of the wrongs conspired to be done and mentioned in the second section

of this act are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse to do so, and such wrongful act shall be committed, such person or persons shall be liable to the person injured, or his legal representatives, for all damages caused by any such wrongful act which such first-named person or persons by reasonable diligence could have prevented; and such damages may be recovered in an action on the case in the proper circuit court of the United States, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in such action: *Provided,* That such action shall be commenced within one year after such cause of action shall have accrued; and if the death of any person shall be caused by any such wrongful act and neglect, the legal representatives of such deceased person shall have action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of such deceased person, if any there be, or if there be no widow, for the benefit of the next of kin of such deceased person.

Sec. 7. That nothing herein contained shall be construed to supersede or repeal any former act or law except so far as the same may be repugnant thereto; and any offenses heretofore committed against the tenor of any former act shall be prosecuted, and any proceeding already commenced for the prosecution thereof shall be continued and completed, the same as if this act had not been passed, except so far as the provisions of this act may go to sustain and validate such proceedings.

Writ of Habeas Corpus Suspended in South Carolina

Richardson, *Messages and Papers*, vol. vii, p. 136. On March 24, 1871, the President had issued a proclamation against certain bodies in South Carolina; on May 3, he issued a general proclamation calling attention to the Ku Klux law; on October 12 he issued another proclamation against bodies of whites in South Carolina, and five days later suspended the writ of habeas corpus in nine counties; Federal troops were sent in and more than eighteen hundred arrests were made. [October 17, 1871]

WHEREAS by an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved the

20th day of April, A. D. 1871, power is given to the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* in any State or part of a State whenever combinations and conspiracies exist in such State or part of a State for the purpose of depriving any portion or class of the people of such State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress aforesaid; and whenever such combinations and conspiracies do so obstruct and hinder the execution of the laws of any such State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid, and do oppose and obstruct the laws of the United States in their due execution, and impede and obstruct the due course of justice under the same; and whenever such combinations shall be organized and armed, and so numerous and powerful as to be able by violence either to overthrow or to set at defiance the constituted authorities of said State and of the United States within such State; and whenever by reason of said causes the conviction of such offenders and the preservation of the public peace shall become in such State or part of a State impracticable; and . .

Whereas on the 12th day of the present month of October the President of the United States did issue his proclamation, reciting therein, among other things, that such combinations and conspiracies did then exist in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in the State of South Carolina, and commanding thereby all persons composing such unlawful combinations and conspiracies to disperse and retire peaceably to their homes within five days from the date thereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out

the unlawful purposes for which the said combinations and conspiracies are organized; and

Whereas the insurgents engaged in such unlawful combinations and conspiracies within the counties aforesaid have not dispersed and retired peaceably to their respective homes, and have not delivered to the marshal of the United States, or to any of his deputies, or to any of the military officers of the United States within said counties, all arms, ammunition, uniforms, disguises, and all other means and implements used, kept, possessed, or controlled by them, for carrying out the unlawful purposes for which the combinations and conspiracies are organized, as commanded by said proclamation, but do still persist in the unlawful combinations and conspiracies aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that, in my judgment, the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privileges of the writ of *habeas corpus* within the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies, or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer within any one of said counties, charged with any violation of the act of Congress aforesaid, during the continuance of such rebellion.

The Election of a Senator

The Election of George E. Spencer, pp. 36, 73. Spencer was U. S. Senator from Alabama, a candidate for re-election, and was supported by the Washington administration. (1) Letter from Spencer to Robert Barber; (2) Statement of Perrin, a deputy U. S. marshal. [1872]

[1] *Decatur, Ala., Oct. 22, 1872.*

MY DEAR BARBER:

I have just returned from Louisville, where I have been to see Gen. Terry about troops for Alabama.

I have had a company of cavalry sent to Livingston, a detachment to Pickens county, a company of infantry to Eutaw, and a company to Demopolis, and a company to Seal's Station, Russell county. Also, a squadron of cavalry to report to Marshal Thomas, at Huntsville.

I wish Randolph, deputy U. S. marshal, would use the company at Opelika in making arrests in Tallapoosa, Randolph and Cleburne, as —— suggests. . . I must not, however, be known in the matter.

[2] I wrote to Gen. Spencer in Lou Mayer's presence, that under the Enforcement Act we could get affidavits and have Democratic members arrested and detained until the legislature was organized by the Republicans, and his election as Senator secured. Lou Mayer [chairman of the Republican party organization] was present when I wrote the letter. I read it to him and he approved its contents. . .

The missing members were arrested while on their way to Montgomery, at Selma, and were carried *via* Meridian [Mississippi] to Mobile where they waived an examination, gave bond and were released. No indictment was ever found against them, and there was no further prosecution. I do not think it was ever intended that they should be indicted or prosecuted. . .

Troops were brought here at that time for the alleged purpose of protecting the federal revenue officers in the performance of their duties. This was the ostensible object, but the real object was to parade the troops through the country with

United States Marshals having pretended warrants and exhibiting them for the purpose of intimidating the people and driving persons from the country. These warrants were taken by the marshals into neighborhoods and exhibited to persons who would inform the parties that the marshal was after them. They would then leave the country or get out of the way. The "warrants" were simply papers folded with no writing on the inside, but names were on the outside on the folds. Spencer wrote to Mayer that he had procured troops to be under the control of the revenue officers, and Mayer so informed me. Acting on this information I made a requisition for troops, and proceeded with them and the marshal, who had the pretended warrants and exhibited them as I have indicated. . .

I shot a hole through my own hat with my own pistol and wrote to Lou H. Mayer that I had been set upon by men in ambush and K. K. K., which he perfectly understood was not the case by a previous understanding. I had the troops with me at that time; I was in advance and out of their sight when I shot the hole in my hat. I ran back and deployed them as skirmishers and we advanced upon the supposed K. K. K.'s with an intrepidity that reflected credit upon the troops, who knew no better than that there was a real foe before them. . .

It was to satisfy the department at Washington that the presence of troops was necessary, and to prevent their recall. . . They were kept by me as long as they could be made use of as a political machine. . . [We were acting] in George E. Spencer's [interest], to secure at all hazards a legislature that would elect him to the U. S. Senate. . . I received instructions from Lou Mayer, the collector of revenue under whom I was acting, not to use the troops for political purposes; which meant, by a previous understanding with Mayer, that I should use them for political purposes, as there was no necessity for them.

The Attorney General and the Alabama Legislature

McPherson, *Handbook, 1874*, p. 85. The Democrats elected a majority of the legislature; the Republicans withdrew and formed a separate organization; by this plan of compromise the Democrats lost their majority; troops were sent to aid the governor who was a Republican and the plan was carried through. [1872]

Two organizations at Montgomery, Alabama, claiming to be the general assembly of that State, have appealed to the President, and with his approval I submit, as a plan of compromising the difficulty, the following:

First. Officers of each organization shall tender their resignations, to take effect upon the permanent organization of a House of Representatives, as hereinafter provided.

Second. On the —— inst. the hall of the House in the Capitol shall be vacant, and at 12 o'clock of that day all the persons holding the certificates of Secretary Ragland [Republican] shall be the only Representatives seated from Barbour County, and shall make in the usual manner a temporary organization.

Third. Two tellers, one Republican and one Democrat, shall be appointed by the speaker pro tem. who shall publicly and in the presence of the House count the votes cast for Representatives in the county of Marengo; and for that purpose they shall take the returns of the precinct inspectors of said county, or, in case they can not be procured, the evidence of said inspectors, so far as the same may be necessary to ascertain the actual vote cast as aforesaid, and the persons found upon such count to have the highest number of votes for Representative shall be seated as such from said county; but the persons [Democrats] now holding certificates of election as representatives from Marengo shall not vote upon or in said temporary organization, nor shall any business other than deciding the contest as to said county be transacted during such organization.

Fourth. When such contest is determined, the House shall make a permanent organization in the usual way.

Fifth. On said ——, the —— inst., the Senate Chamber shall be vacant, and at 12 o'clock the persons holding certifi-

cates of election as Senators shall assemble therein, and organize with the Lieutenant Governor presiding, with the person [Republican] holding the certificate of Secretary Ragland in his seat, as the only senator from Barbour county; and the votes for senator in Marengo county shall be counted in the same way, and upon the same kind of evidence as is hereinbefore provided for the House contest as to said county, and upon such count the person found to have the highest number of votes for Senator from said county shall be seated as such; but the person [Democrat] now holding the certificate of election to the Senate from said county shall not vote upon any question while the contest about his seat is pending. And then the contest as to the district comprising the counties of Butler and Conecuh shall be decided in the same way and upon the same kind of evidence, and the person now holding the certificate of election as Senator from said district shall not vote upon any question before he is declared elected upon a count of votes of said district as aforesaid, nor shall the Senate do any other business before these contests are settled.

No person not holding a certificate of election shall take a seat in either body until his right thereto is affirmed as above founded.

All those claiming to be members and seated in either organization shall be allowed mileage and per diem compensation prior to the temporary organization as hereinbefore provided for, after which persons [Democrats] holding certificates of election from Secretary Parker for Barbour county shall cease to draw pay; and those contesting the seats for Marengo county and the district of Butler and Conecuh who are finally excluded shall be allowed per diem until said contests are respectively ended; and the officers and employees of each organization shall be paid the usual compensation.

GEORGE H. WILLIAMS,
Attorney General.

Use of Troops and Deputy Marshals

House Report no. 262, 43 Cong., 2 Sess., pp. 1272, 1265, 1057. (1) Attorney General Williams's circular to United States marshals in the South; (2) nomination of deputy marshals (more than twelve hundred were thus appointed in Alabama); (3) note from a Republican politician to the United States marshal; (4) report of a public meeting of whites in Sumter county. Several hundred whites in Alabama were arrested before the November elections but were never tried. [1874]

[1] DEPARTMENT OF JUSTICE,
Washington, September 29, 1874.

Sir: I would suggest that at those points where United States troops are or may be stationed in your district, you appoint some person deputy marshal, who may act at once in the arrest of parties committing outrages, without the delay of sending to you before the troops can be used for the arrest of the offenders. I would further suggest that prudent, fearless persons, and if possible, those in whose judgment and integrity the people have confidence, be appointed to such positions. This would, however, only be necessary where you were not conveniently accessible.

You have applied to me for permission to mount infantry, which I decline to give, but there will be cavalry sent to the State and located at different points, so that they can be employed for the arrest of persons. Marshals in our States, however, successfully use infantry, and recently in Tennessee eight persons, who were concerned in the Gibson County outrage were arrested by the deputy United States Marshal, with the assistance of infantry. I am satisfied that in the region of Hale, Sumter, Green, and Marengo Counties [Alabama] outrages are frequent, and that there is a determined effort to overawe and intimidate the colored people so that they will not vote at the approaching election. These things, I think, ought to be prevented, and whether they are or are not, will depend very much upon the efficiency of yourself and your deputies.

[2] ROOMS REPUBLICAN STATE EXECUTIVE
COMMITTEE OF ALABAMA.
Mobile, October 7, 1874.

Dear Sir: Please make the following appointments of

deputy marshals in Dallas County, and send their appointments care Hon. Jerre Haralson, Selma:

Warren A. Brantley, Henry Loder, R. M. Moore, Alexander Carr.

Very respectfully,

CHAS. E. MAYER,
Chairman.

Hon. R. W. HEALY, U. S. Marshal, Montgomery,
Commissions all sent as above.

[3] ROOMS REPUBLICAN EXECUTIVE COMMITTEE,
THIRD CONGRESSIONAL DISTRICT OF ALABAMA.
Opelika, Ala., October 20, 1874

My Dear General: When you become disgusted with letters from me, telegraph and I'll cease writing; as it is I shall continue. Another county heard from, and a good, clever, "brave-as-a-lion" fellow recommended to the high and exalted office of United States deputy marshal. The euphonious name of the gentleman is W. G. Mayberry, and I hope you'll send his commission and appoint as many more as we (I) may be able to get to serve. The deputies will all vote right in this district. Twenty-thousand blank commissions will carry the State overwhelmingly. Bait is good, and especially for democratic office-hunger. Permit me to call your attention to the note printed at the foot of your deputy's commission. I thought they had a right to arrest violators of the Federal election law on the day of election (*flagrante delicto*) without warrant or other process. The summoning of jurors before election will do much good. Don't send this letter to the Attorney-General. No troops here as yet. Taxing you to answer this, I am yours always,

ISAAC HEYMAN.

[4] An infantry company under Captain Mills arrived at this place (Livingston) about the 10th of September. About the same time Beach and Hester [post office detectives] made their appearance in the county with a wagon, in the guise of illicit dealers in tobacco and whisky, and soon afterward Williford

and Randolph, deputy United States marshals, also appeared at Livingston. In a few days Hester and Beach threw off all disguise, and appeared as spies, detectives, and informers of the Federal Government, and soon afterward Stephen Renfro and Charles S. Bullock, two respectable citizens of the county, were arrested under a warrant charging them with the murder of Billings. They were forthwith handcuffed and chained, and confined in the dungeon of the jail. By their inhuman captors these prisoners were treated with great rudeness, and cursed and threatened with personal violence without the slightest cause or provocation. All the witnesses and two United States commissioners, both Republicans, resided in this county, and Renfro and Bullock insisted upon being tried here. But this just and reasonable application was denied, and they were taken, chained and handcuffed, by Selma and Montgomery, a long and circuitous route, to Mobile for trial. . . In a secret circular by Mayer, the chairman of the Republican State committee, encouraging the republicans to prosecute democrats, Gillette was recommended as a reliable commissioner for the work in view. In the meantime, Mr. Williamson, the sheriff of the county, and Scip. Coleman, a colored democrat, were arrested and put in jail by these hirelings. . . Williamson and Coleman were told that they were arrested under a warrant charging them with participating in the murder of Ivey. Being unable to find any testimony against them, these men were discharged on bail, in a few days, without examination.

Two days following the arrest of Renfro and Bullock, Fred. Chiles, a citizen of this county, was arrested while peaceably employed at his daily labor. He was handcuffed without delay and placed in a dungeon in the jail, and refused permission to see his counsel or friends. His humane captors stated to him that he was arrested on a charge of participating in the murder of Ivey, but showed him no warrant or other authority for arrest. Since then it has been discovered that the affidavit for the warrant and the warrant itself bear date the same day of his arrest, and purports to have been issued by James Gillette, in Mobile, about 150 miles distant from the place of arrest.

Mr. Chiles was also chained and handcuffed and taken by way of Selma and Montgomery to Mobile, where he was confined in the jail for several days, and then, there being no evidence against him, he was discharged on bail in Mobile without any examination.

On their way to Mobile with Renfro, Bullock and Chiles, . . Williford and Randolph, meeting with P. A. Hillman, on the public road between his place and Demopolis, arrested him without any warrant or authority, and also handcuffed and chained him, and took him to Mobile and imprisoned him in jail. There being no warrant or charge against him he was at first ordered by Gillette to be discharged, but upon the suggestion of the acting United States district attorney, that possibly he might be guilty of some violation of the law, and some evidence against him might turn up, he was, as we learn, ultimately discharged on bail to answer an indictment which might be found against him for committing an assault and battery on any negro.

On Saturday, the 17th instant, Thomas B. Wetmore and Stephen Smith, white, and John Little, colored democrat, were arrested at the instance of Hester upon a warrant procured by him to be issued by commissioner Wayne, and charging them with a conspiracy to injure Hester. This warrant was made returnable before Gillette, although the parties and witnesses resided in this county. Yesterday they were taken to Mobile for trial.

Federal Interference under the Enforcement Laws

Nordhoff, *The Cotton States*, p. 13. [1876]

THE great mass of the Southern colored voters are illiterate; they are easily impressed by exhibitions of power. . . The Republican leader has always had the United States Government to back him. Packard, chairman of the Republican State Executive Committee of Louisiana, has, as United States marshal, the absolute control of Federal troops in Louisiana. . . Governor Ames, as is publicly charged, refuses to stir to prevent

a riot at Vicksburg; but after the riot, after forty or fifty blacks have been killed, and when the negroes are demoralized and feel utterly helpless, sends for Federal troops, which come at his command, and reassure the blacks. Such manifestations of power strike the imaginations of the negroes, as they would any ignorant population, and they follow very readily and blindly, its possessor. Some colored witnesses in Alabama being asked why they voted against Sheats, a Republican, for Congress, replied, "because Perrin told them to;" being asked if they would have voted the Democratic ticket if Perrin had told them to, they answered, unhesitatingly, "Yes." But Perrin, as United States deputy-marshal, commanded Federal troops, and gave away Federal bacon.

The leaders whom they thus follow . . appeal only and continually to the negro's fears and to his sense of obligation to the Federal power. In Alabama they were told that the bacon was sent them by General Grant, and its receipt made it their duty to vote the "straight Republican ticket." In some parts of Southern Louisiana the negroes are still summoned from the field to political meetings, "by order of General Butler." I know of a case where a candidate for a county office printed a "general order" commanding all colored men to vote for him, and signed "U. S. Grant, President;" and he received the solid colored vote. . .

So pertinaciously has this base insinuation been used among the blacks, that when last fall the Democrats carried Alabama, I know of two instances in which colored men came into the nearest town to ask white Democrats, in whose honor and kindness they had trusted, whether they would be allowed to choose their own masters, and whether they would be separated from their wives and children.

The Federal office-holders are largely to blame for the continuance of this evil. They are a very numerous class in every Southern State; and have far greater influence than their fellows in the Northern States, especially over the blacks, who have been taught to regard them as their guardians, and political guides and leaders. They are too often, . . men of low

character, Republicans by trade, and of no influence except among the negroes, to whom the lowest Federal officer, even a deputy-marshal's deputy, is a very powerful being, armed with the whole strength of the Federal Government. Georgia has nearly . . three thousand men in the employ of the Federal Government, in various capacities; and most of the States I have visited have an equal number. In such States as Louisiana these men "organize" the negro vote; and they do it as the only means to preserve their places. A Democratic Federal administration would oust them. . . The Federal Administration appears to me culpable in this matter, because it has not only permitted its officers in the South to take an active and partisan part in politics, but has apparently encouraged them in doing so. The United States marshal [Packard] of Louisiana, for instance, having the command at will of Federal troops, has been chairman of the Republican State Central Committee.

7. THE WASHINGTON ADMINISTRATION AND THE DUAL GOVERNMENTS: LOUISIANA AND ARKANSAS

Division among the Louisiana Radicals

House Ex. Doc. no. 209, 42 Cong., 2 Sess., pp. 3, 10. Warmoth, Radical governor, was now working for the Conservatives, and Packard, leader of the Custom House faction, was trying to impeach Warmoth and drive his supporters from the legislature. The Washington administration supported Packard. Report of Gen. W. H. Emory to the Adjutant General. [January, 1872]

[January 9, 1872] For the last three days peace has been maintained solely by the display of the United States troops, and a contest for the State-house is at this moment only averted by my placing troops near that point, with definite orders to prevent riot. The difficulties between the contending parties are as far from a solution as ever, and the members representing the two factions in both houses are so nearly equal and so bitter that the collision, if it be allowed to come on, must be a very disastrous one.

The facts are not sufficiently apparent to justify me in committing the Government to either side. Tonight the [Radical] militia have substantially refused to act for the governor [Warmoth], and he is making use of the fact that the United States troops are now at the building, and have, at his request, been there before, as an evidence that the President has decided that his legislature is the legitimate one. It is impossible that this state of things can be continued. . . I therefore respectfully suggest that I should be instructed to declare martial law. . .

[January 13, 1872]. The end of this disturbance cannot be said to have been reached, for the State authorities here are so distasteful to all parties, republicans and democrats, black and white, that, unless some new turn is given to affairs, we must have a continuation of the scenes of the last few days, and I therefore urgently request that two companies of cavalry may be sent me. . .

The hostility here is not against the United States, but against the State government, which is odious beyond expression, and I fear justly so, and to suppress a riot it is only necessary to make a show of United States forces, however small, which cannot be done by the use of infantry with that facility necessary to stay an impending riot.

Anti-Warmoth Handbill

House Misc. Doc. no. 211, 42 Cong., 2 Sess., p. 318. Copy of handbill circulated among the negroes by the Packard faction. [January 19, 1872]

TO ARMS! TO ARMS!! TO ARMS!!!
COLORED MEN, TO THE FRONT!

Warmoth's SLAVES at the Mechanics' Institute pretended to-day to expell Antoine, Adolph, Burch, Wilson, Kearson, Williams, Tureaud, Geddis, Johnson, Laurent, Kenner, Harper, Harry Lott, and other colored members of the house of representatives. Warmoth will next attempt to remove Ingraham and Antoine from the Senate.

Rally, on SATURDAY, at 10 o'clock, at the corner of Rampart and Canal Streets, and let those who have trampled on your rights as freemen and citizens tremble until the very marrow of their bones shakes. Let the cry be, DOWN WITH WARMOTH AND HIS THIEVING CREW.

RALLY! RALLY!! RALLY!!!
LIBERTY OR DEATH!

"The Usurpation of 1872"

McPherson, *Handbook, 1874*, pp. 101, 106. Telegrams. Casey, brother-in-law of the President, was a custom house official. McEnery had received a majority of votes and was declared elected by one returning board. Another board declared Kellogg elected, and he was supported by the Federal authorities. Warmoth, being under impeachment by the Kellogg legislature, was not recognized as governor by the Washington administration. [December, 1872]

[New Orleans, December 6]

PRESIDENT GRANT:

Marshal Packard took possession of state-house this morning at an early hour with military posse, in obedience to a mandate

of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in State House with protection of court. The decree was sweeping in its provisions, and if enforced will save the republican majority and give Louisiana a republican Legislature and State government, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause.

JAS. F. CASEY.

New Orleans, December 13.

ADJUTANT GENERAL U. S. A., Washington:

There is imminent danger of immediate conflict between the two armed bodies of men of some considerable numbers, one body of State militia, representing Governor Warmoth, holding an arsenal; the other an armed body of police, representing Governor Pinchback. I have been appealed to to interfere. Shall I do so; and if I interfere to which party shall the arsenal be delivered? The parties are face to face with arms in their hands. I beg an immediate answer. I sent an officer to try what can be done by persuasion to suspend the conflict until an answer can be received. There will be no resistance to the Federal forces.

W. H. EMORY,
Colonel Commanding.

Washington, December 14.

GENERAL W. H. EMORY, U. S. A.,
Commanding New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

By order of the President,
E. D. TOWNSEND, Adjutant General.

Either Civil War or Military Rule

Senate Report no. 457, 42 Cong., 3 Sess., p. xlix. Report of a committee of Congress. Congress did not act and President Grant continued to support Kellogg. [February 20, 1873]

THE people of the State are about equally divided in sentiment in regard to these two pretended governments. The people of New Orleans, which is the seat of government, support the McEnery government, two to one; and it is believed that if Federal support were withdrawn from the Kellogg government it would be immediately supplanted by the McEnery government. . . Neither government can collect taxes, for the people have no assurance that payment to one will prevent collection by the other government. Business is interrupted, and public confidence destroyed; and should Congress adjourn without making provision for the case, one of two things must result: either collision and bloodshed between the adherents of the two governments, or the President must continue the support of federal authority to the Kellogg government. The alternative of civil war or the maintenance by military power of a State government not elected is exceedingly embarrassing; and in the opinion of your committee the best solution of this difficulty is for Congress to order a re-election, and provide for holding it under authority of the United States; to the end that a government may be elected by the people, to which they will submit, or which, in case of disturbance, the United States can honestly maintain.

Preparing for Revolution

MS. Diary of David French Boyd, president of Louisiana State University. Colonel Boyd was in New Orleans during the Revolution of 1874. [1874]

July 23, 1874. Politics is beginning to run high. The negroes last session of the legislature were so domineering and exacting that it disgusted and exasperated the whites: so that *White Leagues* are forming to put down the negroes and carpetbaggers. . . But I think the true political line is between the two extremes. The whites and blacks must live together here in Louisiana, and they should learn to do so quietly and peaceably. The political influence at Washington, exerted through the

Custom House officials here in Louisiana, and the Carpetbaggers, is the bane of this country. If left alone, the negroes and old white citizens would never have any trouble. Many whites seem determined to break up the present State.

August 9, 1874. . . Had a talk on board with Beauregard (colored) from Baton Rouge. I told him I was afraid there would be trouble and violence this fall; but the Democrats or white-leaguers would not hurt the negroes if they could help it — that it was the carpetbaggers and scalawags they were after.

August 25, 1874. . . The resolutions etc. [of the White Leaguers] announced are, I think, too extreme. The gist of the whole proceedings is a declaration of war; but is that necessary? I think not. I never saw such unanimity. The people are determined to get rid of the carpetbaggers. Having gone as far as they have — having *talked* as they have, they ought (in consistency) to go one step further — resolve to fight any power — even the United States — which stands between them and the salvation of their state. And that is why I think a milder policy — a more conservative position the true one. How ridiculous it would be to fight for their rights up to the United States bayonets, and then stop! Why, the United States is at the bottom of all the evils and oppressions, and miseries that inflict Louisiana. I repeat that the good people of Louisiana having gone as far as they have done, ought to go a little farther, to be reasonable and consistent in act with their talk — be ready to fight Uncle Sam, if he upholds the carpetbagger against the white (decent) people. . .

August 31, 1874. The state will be all disorder; and what chances will our poor school have? In ten days several parishes will, no doubt, run away the carpet-bag office holders; and unless General Grant interferes strongly very soon, I think Mr. Kellogg will be in danger of violence. . .

September 2, 1874. . . Had a long talk last night with David N. Barrow, whom I found very conservative and very sensible. He will not go with the people's party. He thinks it is bound to come to grief, and result in placing the people

in much worse condition than now; and he thinks that by not joining in it, he will be in [better position] to be of service to Louisiana. I told him I would join the movement (*not the White League*), as a white citizen of Louisiana, since that was the view of our better citizens almost unanimously, provided they would *not* foolishly (and cowardly, I thought) *stop* after driving out the carpetbaggers, when the real author of carpetbaggery (Uncle Sam) stepped upon the stage. I know of course what will be the result; but it is cowardly to make war on the carpet-bagger, and slink from the blue coat. . .

September 4, 1874. . . Grant is going to send troops here; and his action paralyzes the White Man's Party in New Orleans. A miserable set we are in action, as well as council. Have seen Fred F——— and Mr. F——— today. They tell me there is no unity of action — no well-defined purpose of the would-be leaders. A few more poor devils of carpet-baggers may be shot — and we shall fail.

September 9, 1874. . . I think a fight — a bloody fight is inevitable. I told Mr. Anderson [Radical] last night that while I was urging peace — or rather a policy that would *compromise* our troubles — yet if the program [White League] laid at Baton Rouge was to be inaugurated, I wanted it fought out to the bitter end — even if we had to fight Uncle Sam — and that I was going with our people — the people of Louisiana! How contemptible to war on a few devils of carpet-baggers, and then when Uncle Sam, the daddy of all the carpet-baggers, comes to uphold them, to run like curs! Surely we of Louisiana are made of better stuff.

September 17, 1874. . . [After witnessing the fight of September 14] I would not have a gun fired here in New Orleans if I could help it; but I would make United States show force enough to drive me away to West Louisiana, when I would make my stand. Not in a spirit of dissension, or against the integrity of the laws of the country, but in defense of the spirit of American liberty would I now, having begun, fight even the United States *in the Union*, to the bitter end.

Uprising of the People

House Report no. 261, 43 Cong., 2 Sess., p. 1026. Proclamation issued by Penn (McEnery being absent), after Kellogg refused to resign and fled to the custom house. [September 14, 1874]

FOR two years you have borne with patience and fortitude a great wrong. Through fraud and violence the government of your choice has been overthrown and its power usurped. Protest after protest, appeal after appeal to the President of the United States and to Congress have failed to give you the relief you had a right under the constitution to demand.

The wrong has not been repaired. On the contrary, through the instrumentality of partisan judges you are debarred from all legal remedy. Day by day taxation has been increasing, with costs and penalties amounting to confiscation of your property; your substance squandered; your credit ruined, resulting in failure and bankruptcy of your most valued institutions. The right of suffrage is virtually taken from you by the enactment of skillfully-devised registration and election laws.

The judicial branch of your government has been stricken down by the conversion of the legal *posse comitatus* of the sheriff to the usurper, for the purpose of defeating the decrees of the courts; his defiance of law leading him to use this very force for the arrest of the sheriff himself, while engaged in the execution of the process of the court.

To these calamities may be added a corrupt and vicious legislature, concocting laws, in violation of the constitution, for the purpose of guarding and perpetrating their usurped authority — a metropolitan police paid by the city, under the control of the usurper, quartered upon you to overawe and keep you in subjection.

Every public right has been denied you, and, as if to goad you to desperation, private arms are seized and individuals arrested. To such extremities are you driven that manhood revolts at further submission.

Constrained from a sense of duty, as the legally-elected lieutenant-governor of the State, (acting governor in the absence of Governor McEnery) I do hereby issue this my proclamation, calling upon the militia of the State, embracing all persons

between the ages of eighteen and forty-five years, without regard to color or previous condition, to arm and assemble under their respective officers, for the purpose of driving the usurpers from power.

Given under my hand and seal the 14th day of September, 1874.

D. B. Penn,
Lieutenant-Governor.

The Battle in New Orleans

House Report no. 261, 43 Cong., 2 Sess., pp. 803-806, 831, 1026. (1) The White League furnished the militia. (2) The account of the fight is from the *Picayune* of September 15. In the fight Badger and Longstreet commanded the negro Metropolitans and Ogden and Behan commanded the White League militia. [September 14, 15, 1874]

[1] General Order No. 1.

Executive Department, State of Louisiana,
New Orleans, September 14, 1874.

1. Gen. Frederick N. Ogden is hereby appointed provisional general of the Louisiana State Militia, and will at once assume command and organize the militia into companies, regiments, and battalions.

2. General Ogden will report the names of his staff, regimental, and company officers to this department forthwith to be commissioned.

By command of ——

D. B. Penn,
Lieutenant-Governor, Acting Governor and Commander-in-Chief of Louisiana State Militia.

[2] At a quarter past four, [September 14] Badger, with his men and guns, marched forward on the levee.

The other body of police prepared to support him; but, being fired on when near Common street, they returned to their old quarters, near the custom-house.

The Badger army kept on until they had almost reached Gravier street, and ensconced themselves behind some bales of hay.

Company E of the Crescent City White League, and Protector White League of the second district, which were stationed on the extreme right of the line, advanced along the levee, moving behind a large pile of hay, resting there. They kept up a constant fire on the metropolitans, as did also Company A, Crescent City White League, stationed on Poydras street. This fire was very telling, almost every shot bringing down a metropolitan. The latter, however, continued their fire, both small arms and mitrailleuse.

The two advancing companies continued on their march until they had reached the head of Canal street, on the wharf proper, thus flanking the enemy. Here their fire was so galling that the metropolitans became somewhat demoralized, turned their cannon on them, and commenced firing toward the river. The fire of the citizens then became terrific, and the metropolitans became greatly demoralized. . .

At about 7 o'clock the citizens were in complete possession of the city, save the Saint Louis Hotel [the Capitol], occupied by about a dozen peelers and a gang of negroes, and the third precinct station occupied by the remnant of the metropolitan brigade, now only about two hundred in number, and rapidly decreasing by desertions and resignations. Among the resignations we may mention that of Captain McCann.

The city-hall, the telegraph offices, the streets, were all held by the citizens, and with Lieutenant-Governor Penn acting as governor. . .

As might have been expected, after the decisive victories of yesterday and the consequent demoralization of the Kellogg forces, the "finish" this morning was a very brief and unexciting affair. About half past 8 o'clock the State-house was occupied by the citizens' forces, and by 9 o'clock the third precinct station and Kellogg armory, the last of the radical government, was, after a sharp little assault, captured and appropriated.

So ends the Kellogg regime. Big, inflated, insolent, and overbearing, it collapsed at one touch of honest indignation and gallant onslaught. Its boasted armament dissolved before the furious rush of our citizens; its sneering, thieving, unscrupulous

chieftains hid like moles, and its mercenaries fled like stampeded cattle.

A dozen gallant lives, worth more than all the sneaking carpet-baggers and ruffian soldiery that ever squatted on a State's carcass, have been sacrificed on the altar of liberty; the blood of gentlemen and patriots has dyed the stones of our thoroughfares, and the shock is over. The Kellogg dynasty has passed into a black and bitter memory, and Louisiana throughout its borders to-day is free.

Appeal to the President

(1) *Annual Cyclopedia, 1874*, p. 481. (2) Richardson, *Messages and Papers*, vol. vii, p. 276. [September 14, 15, 1874]

[1] *New Orleans, September 14th, 1874.*

To U. S. Grant, President of the United States:

Hopeless of all other relief, the people of this State have taken up arms to maintain the legal authority of the persons elected by them to the government of the State against the usurpers, who have heaped upon them innumerable insults, burdens, and wrong. In so doing they are supported by the great body of the intelligent and honest people of the State. They declare their unswerving loyalty and respect for the United States Government and its officers. They war only against the usurpers, plunderers, and enemies of the people. They affirm their entire ability to maintain peace, and protect the life, liberty, and equal rights of all classes of citizens. The property and officials of the United States it shall be our special aim to defend against all assaults, and to treat with the profoundest respect and loyalty. We only ask of you to withhold any aid or protection from our enemies and the enemies of republican rights, and of the peace and liberties of the people.

D. B. Penn,
Lieutenant-Governor and Acting Governor.

[2] Whereas it has been satisfactorily represented to me that turbulent and disorderly persons have combined together with force and arms to overthrow the State government of

Louisiana and to resist the laws and constituted authorities of said State; . .

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within five days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve the public peace.

The Revolution Fails

Annual Cyclopedia, 1874, p. 482. President Grant sent troops and warships to New Orleans, and ordered Kellogg to be restored to office. [September 17, 1874]

General Brooke: As the lawful and acting Governor of this State, I surrender to you, as the representative of the Government of the United States, the Capitol and the remainder of the property in this city belonging to the State. This surrender is in response to a formal demand of General Emory for such surrender, or to accept as an alternative the levying of war upon our government by the military forces of the United States under his command. As I have already said to General Emory, we have neither the power nor the inclination to resist the Government of the United States. . . Our people could bear the wrongs, tyranny, annoyance, and insults of that usurpation no longer, and they arose in their might, swept it from existence, and installed in authority the rightful government of which I am the head. All lovers of liberty throughout the Union must admit the patriotism that aroused our people to act as one man, and throw off the yoke of this odious usurpation. I know as a soldier you have but to obey the orders of the Government of the United States, but I feel that you will temper your military control of the affairs with moderation, and in all things exhibit the integrity of purpose characteristic of officers of the army.

John McEnery.

Conditions after the Revolution

MS. Diary of David French Boyd. President Boyd had long been a friend of General Sherman's and at the request of the Conservative leaders kept Sherman informed as to the incidents of the revolution. The guns referred to were cadet muskets at the State University, which was a military school. It was feared that the negro forces would attempt to seize them. [1874]

September 17, 1874. . . I telegraphed Sherman again Thursday that the restoration of Kellogg was the beginning of anarchy and lawlessness, and that a proper regard for the protection of life and property demanded that a military, or provisional Government should be formed. . . Have three breech loading Springfield muskets, and a number of Enfields loaded in the Professors' rooms on the 5th and 4th floors. Walker also has one, and Bob Ferguson is ready with his six shooter to help us. And the cannon can be spiked in a moment or two — the bell rung, as well as one or two muskets fired as an alarm for the young men of Baton Rouge who will come to our support. I will not give up my *guns* here, except to the United States military, or to some officer of Governor Kellogg, who may promise on his honor to take them to New Orleans, not to be used here. But I do not wish to give them to Kellogg at all. Surely such a miserable, weak, contemptible creature cannot rule longer over Louisiana, even tho' he may be backed by U. S. Army — he must go to pieces from his own rottenness. . .

Nov. 17, 1874. . . There seems to be much fear among our people that the Radicals will somehow cheat them out of the results of the late election. They will certainly do it, if they can. What a burlesque truly has this become on the government bequeathed to us by our Fathers.

Dec. 7, 1874. To-day Congress meets; and the people of Louisiana are looking forward anxiously to their action and that of the President, regarding our state affairs. The Returning Board is evidently awaiting the meeting of Congress; and if that body and the President show a disposition to uphold Kellogg, and, at all hazards, maintain Radicalism in Louisiana, then Wells, Anderson & Co. will, no doubt, rule accordingly — throw out the vote of DeSoto, count as many Radicals into the Legislature, as they choose, and, in a word, do all manner of villainy. If such should be done, then the people ought to rise — cost what it may, hang the Radical leaders, and drive every carpet-bagger and scalawag out of the state. They should not wait for the Returning Board to make their returns. When DeSoto Parish may be thrown out, then the members of the Returning Board (except Aroyo) and Governor Kellogg, and Packard, and Lowell, and Antoine, and Longstreet, etc., etc., should all be *seized and hung*. . .

Jan. 5, 1875. All is excitement about the high-handed outrage of the U. S. Military and Kellogg yesterday.[1] What next? Yes — what next. Sheridan assumed command of New Orleans yesterday; and no doubt the whole outrageous affair was concocted in Washington. . . Sheridan is now denouncing our poor people as "Banditti." And how can we stand up under all we have to bear — and it seems the trouble is never to stop — is more than I can conceive. But we must trust to Providence.

Mar. 3, 1875. . . We are all uneasy about the probable passage of the *Force Bill*. It does look as if General Grant is several centuries behind the world as a civil ruler.

An Army Officer's Report on Conditions in Louisiana

Senate Ex. Doc. no. 17, 43 Cong., 2 Sess., p. 72. Report of Col. Henry A. Morrow, who, after the September revolution and the November elections, was sent by General Emory to investigate conditions in the country districts. [December 24, 1874]

RESPECT and regard for the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops; but there is a universal expression of contempt for the State government, and, so far as language could express it, there is open defiance of its authority. The governor is everywhere, and by almost every white man, denounced as a "usurper," and the determination is openly expressed by nearly every white man not to submit to his usurpation longer than submission is compelled by the presence and force of Federal soldiers.

1. Dispersed the Conservative legislature. See page 156.

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school-funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there is no court crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scales.

The people . . seem to believe, that the machinery of the federal courts had been used to oppress them for political ends, and that the federal troops had been used for political purposes. . . It was represented to me that the marshals are in the habit of prowling through the country in the night time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and, under any circumstances, should be arrested in the open daylight.

These night arrests seemed to have a peculiar terror for the people, and my attention was repeatedly called to them. Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after long and vexatious delay and great expense, are set at liberty without . . even a preliminary hearing. . . The complaints against the State officers were so numerous that mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising in some instances, to seven and eight per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish; and multiplication of officers in the person of favored individuals, are a few of the charges made by the people against their State authorities.

The political condition of the State is the one subject of conversation everywhere, in public and private, and among all classes, except the negro, who feels no interest in it, because he does not comprehend it. The dissatisfaction is wide-spread and deep, and I am firmly convinced that sooner or later there will be an outbreak of public feeling which will be attended by scenes of fearful violence. The determination to escape from the rule of the present State government is fixed in every mind, and, whenever the opportunity presents itself, a blow will be struck for the "liberation of Louisiana," to use the expression in common use. A combination of organizations among the white men ramifies every parish and neighborhood, and there is perfect unanimity of sentiment, and will be concert of action whenever the time comes to take a decisive stand. Without going into needless details, I give the following as my deep-seated convictions; the present State government can not maintain itself in power a single hour without the protection of federal troops. I do not believe that the present State authorities, even with the protection of Federal troops, will be able to collect taxes and perform the functions of government after an early day in the new year. Opposition to them will be made at every turn, and every step they attempt to take will be beset with obstructions. Outside of New Orleans there is no party or organization in the State with sufficient strength or influence to afford the slightest aid. The State government has not the confidence or respect of any portion of the community. . . I not only do not believe, but I am absolutely certain, that there will not be at any time, in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to be believed, and I do believe them, there is very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact [that] the protection afforded by the Federal administration to the government of the present State executive is the

cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State. . .

If Congress fails to legislate, a standing military force in almost every parish will be necessary to give protection to persons of the agents of the State executive, but a military force cannot compel people to pay taxes and do a thousand things necessary to good government, and I think, therefore, there is danger of the State organization coming to a standstill for want of necessary agents and machinery to keep it in motion.

Legislature Broken up by Troops

Senate Doc. no. 269, 57 Cong., 2 Sess., p. 160 Telegram from L. A. Wiltz, Speaker, to President Grant. In the November, 1874, elections the Conservatives won the majority of the legislature. The legislature was not united until March, 1875. [January 4, 1875]

I HAVE the honor to inform you that the house of representatives of this State was organized today by the election of myself as speaker, 58 members, two more than a quorum, voting, with a full house present. More than two hours after the organization I was informed by an officer in command of the United States troops in this city that he had been requested by Governor Kellogg to remove certain members of the house from the statehouse, and that under his orders he was obliged to comply with the request. I protested against any interference of the United States with the organization or proceedings of the house, but, notwithstanding this, the officer in command marched a company of soldiers upon the floor of the house and by force removed 13 members who had been legally and constitutionally seated as such. . . In addition to this the military declared their purpose to further interfere with force in the business or organization of this assembly, upon which some fifty-two members and the speaker withdrew, declining to participate any longer in the business of the house under the dictation of the military. As speaker I respectfully appeal to you to know by what authority and under what law the United States Army interrupted and broke up a session of the house of representatives of the State of Louisiana, and to urgently

request and demand that they be ordered to restore the house to the position it occupied when they so interfered; and, further, that they be instructed that it is no part of their duty to interfere in any manner with the internal workings of the general assembly. The house is the representation of the sovereignty of the State, and I know of no law which warrants either the executive of the State or the United States Army to interfere with its organization or proceedings.

Sheridan's "Banditti" Telegram

Senate Ex. Doc. no. 13, 43 Cong., 2 Sess., pp. 23, 25. Sheridan had been sent to New Orleans with instructions to look over the situation and if necessary to take command. [January 5, 1875]

[*New Orleans, January 5, 1875.*]

W. W. BELKNAP, Secretary of War,

Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Miss., should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken, except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General U. S. A.

The Wheeler Adjustment

McPherson, *Handbook, 1876*, p. 200. In order to settle the disputes about the Louisiana legislature a committee of Congress and the Conservatives of Louisiana made the following compromise, which made Kellogg safe nearly two years longer and secured to the Conservatives control of the lower house. [March, 1875]

New Orleans, March, 1875.

WHEREAS, It is desirable to adjust the difficulties growing out

of the general election of this State, in 1872, the action of the Returning Board in declaring and promulgating the results of the general election, in the month of November last, and the organization of the House of Representatives, on the 4th day of January last, such adjustment being deemed necessary to the re-establishment of peace and order in this State.

Now, therefore, the undersigned members of the Conservative party, claiming to have been elected members of the House of Representatives, and that their certificates of election have been illegally withheld by the Returning Board, hereby severally agree to submit their claims to the Seats in the House of Representatives to the award and arbitrament of George F. Hoar, William A. Wheeler, William P. Frye, Charles Foster, William Walter Phelps, Clarkson N. Potter, and Samuel S. Marshall, who are hereby authorized to examine and determine the same upon the equities of the several cases; and when such awards shall be made, we hereby severally agree to abide by the same.

And such of us as may become members of the House of Representatives, under this arrangement, hereby severally agree to sustain by our influence and votes the joint resolution hereinafter set forth.

[Here follow the signatures of the democrats who claimed that their certificates of election as members of the House of Representatives had been illegally withheld by the Returning Board.]

And the undersigned claiming to have been elected Senators from the Eighth and Twenty-Second Senatorial Districts, hereby agree to submit their claim to the foregoing award and arbitrament, and in all respects to abide the results of the same.

[Here follow the signatures of the Democrats who make a like claim as to seats in the Senate.]

And the undersigned holding certificates of election from the Returning Board, hereby severally agree that upon the coming in of the award of the foregoing arbitrators they will, when the same shall have been ratified by the report of the

Committee on Elections and Qualifications of the body in session at the State House claiming to be the House of Representatives, attend the sitting of the said House for the purpose of adopting said report, and if said report shall be adopted, and the members embraced in the foregoing report shall be seated, then the undersigned severally agree that immediately upon the adoption of said report they will vote for the following joint resolution:

[Here follow the signatures of the Democratic members of the House of Representatives in relation to whose seats there was no controversy.]

JOINT RESOLUTION

Resolved, by the General Assembly of the State of Louisiana, That said Assembly, without approving the same, will not disturb the present State Government claiming to have been elected in 1872, known as the Kellogg Government, or seek to impeach the Governor for any past official acts, and that henceforth it will accord to said Governor all necessary and legitimate support in maintaining the laws and advancing the peace and prosperity of the people of this State; and that the House of Representatives, as to its members, as continued under the award of George F. Hoar, W. A. Wheeler, W. P. Frye, Charles Foster, Samuel S. Marshall, Clarkson N. Potter and William Walter Phelps, shall remain without change except by resignation or death of members until a new general election, and that the Senate, as now organized, shall also remain unchanged except so far as that body shall make changes on contests.

TEXT OF THE AWARD

New York, March 13, 1875.

The undersigned having been requested to examine the claims of the persons hereinafter named to seats in the Senate and House of Representatives of the State of Louisiana and having examined the returns and the evidence relating to such claims, are of opinion, and do hereby find, award and determine,

that . . [one Conservative senator and twelve Conservative members of the lower house who had been excluded by Kellogg and the Federal authorities, were entitled to seats in the legislature].

In regard to most of the cases, the undersigned are unanimous; as to the others the decision is that of a majority.

George F. Hoar,
W. A. Wheeler,
W. P. Frye,
Charles Foster,
Clarkson N. Potter,
William Walter Phelps,
Samuel S. Marshall.

Two Governors in Arkansas

Senate Ex. Doc. no. 51, 43 Cong., 1 Sess., p. 6. Letter of W. T. Brown, a Republican who voted for Baxter, to President Grant. [April 30, 1874]

In the first place, Mr. Brooks was one of those extremest outspoken radicals; but in 1872 he deserted his party and ran on the Greeley or reform ticket for governor; got the democratic votes entire and I suppose there is not a man in the State at all posted but is satisfied he was elected by several thousand majority. But Baxter was the republican candidate, and was counted in. He had been a circuit judge, and by those best acquainted with him was considered one of those good, easy, clever men, but weak. As soon as he was sworn in, he began to favor the very men who had him in the penitentiary during the war for being opposed to secession. He did this to stop the cry of fraud and usurpation from the democratic press of the State. He succeeded; and to-day, most of the democratic desperadoes of the State are at his back. The same men that murdered four hundred loyal men in 1868 in Arkansas are to-day Mr. Baxter's aiders. I consider that both Mr. Brooks and Baxter are traitors to the republican party, and are unworthy the confidence of any good man. But there is no doubt of Mr. Brooks's election. But the turn things have taken in the premises is disgraceful in the extreme. Those who elected Mr. Baxter are now generally favorable to Mr. Brooks, and vice versa.

"The Riot in Arkansas"

House Ex. Doc. no. 229, 43 Cong., 1 Sess. Telegram to President Grant. [April 21, 1874]

For the sake of law and order take some steps to suppress the riot in Arkansas. Every good citizen will abide your command. Speak and we'll obey. The general impression is that you will not interfere. Thus they keep up the fight. Will you save us? We are in a pitiable condition. For God's sake help us. Our whole salvation depends upon our crops. If this matter continues much longer we are ruined. There is not a man in Arkansas but what will obey your orders, if you will only demand. President Grant, you can stop this muddle if you will, and if you do not you are responsible for our ruin. Know from whence this comes. We do not care — and I speak the sentiments of the people of Arkansas . . — who is governor. All we want is peace.

President's Proclamation on Arkansas

Richardson, *Messages and Papers*, vol. vii., p. 272. Baxter was restored and a convention was called which made a new constitution and ordered another election. A. H. Garland was elected governor. Baxter was willing, but the President wanted Congress to undo the work of the convention. [May 15, 1874]

Whereas certain turbulent and disorderly persons pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive and other authorities of said State; and

Whereas said Elisha Baxter has been declared duly elected by the General Assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; . .

11

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve public peace. [1]

1. See Chapter XIII, sec. 1.

IX

EDUCATIONAL PROBLEMS OF RECONSTRUCTION

INTRODUCTION

No more important problems were left by the Civil War for future settlement than those relating to the churches and to education in the former slave states. Much of the trouble and the bitterness that resulted from the various attempts to solve the educational and church problems was due to mutual misunderstandings and to the fact that the plans formed by Northern teachers and missionaries for use in the South were based on ignorance of actual conditions.

The Northern view of the situation, as shown by the various reports and addresses published by the teachers' associations, the Freedmen's Aid societies of the churches, the missionary societies, and the Freedmen's Bureau, may be summarized somewhat as follows: (1) The South had had no public education, was opposed to it, and such education as had been given was based on wrong principles and had resulted in secession, rebellion, etc.; (2) the poor whites were densely ignorant and this ignorance, exploited by unscrupulous leaders, had been made the basis of the Confederacy; (3) not only were the Southern leaders opposed to the general education of the white masses, but all classes were opposed to any education of the recently freed negroes; (4) the main difference between the negro and the white was due to the enforced ignorance of the former — a difference which might speedily be removed. The views of the Southern whites may be given as follows: (1) The leaders (those

who had been leaders in state and church) recognized the changed conditions of the negro and favored education, under Southern supervision, to fit the negro race for citizenship; therefore, under the leadership of such men as Dr. J. L. M. Curry of Alabama, Gov. J. L. Orr of South Carolina, and Gen. John B. Gordon of Georgia, the church organizations, newspapers, the officials of the provisional governments, and meetings of citizens, in all the states made declarations favoring and forming plans for negro education, and established schools; numerous white teachers instructed the negroes; (2) the masses of the whites were undecided or indifferent; (3) the lower and more ignorant class of whites were strongly opposed to educating the negro; (4) in the Black Belt the whites were generally friendly to negro education, and in the white districts was found the strongest opposition. As to the negroes themselves they were eager for education and were inclined to prefer that offered by the Northerners who had freed them. In regard to the education of the negro of this period a Hampton teacher has said that "when the combat was over and the 'Yankee' school ma'ams followed in the train of the Northern armies, the business of educating the negroes was a continuation of hostilities against the vanquished South, and was so regarded, to a considerable extent, on both sides."[1]

With the Federal armies came the Northern teachers, sent by missionary or aid societies or by the churches, or brought in by the Freedmen's Bureau, which favored these and not the Southern efforts to educate the blacks. Not only did they organize schools for blacks, but they were placed in charge of the city school systems for the whites where any such had survived to the end of the war.

Under the elaborate systems of the Reconstruction governments, after 1868, attempts were made to force the attendance of whites and blacks in the same schools, but only in South Carolina, Florida, Mississippi, and Louisiana were mixed schools made legal. This policy was not demanded by the negro race, and was opposed by the "scalawags." It was advocated by the "carpetbaggers" and a few negro leaders, chiefly mulattoes. The whites refused to attend such schools. In all the states the school systems broke down for lack of funds. In no state were the teachers paid in full and after 1870 salaries were rarely paid except in cities. Schools were revived after the overthrow of the Reconstruction governments, but were hampered by the heavy debts left by the carpetbag régime, and were for a decade or more poorer than the ante-bellum schools had been.

The Southern whites objected to the kind of education given by the Northern teachers and in the Reconstruction schools. They complained that the teachers were political emissaries and taught doctrines of social equality, that they made the blacks dislike the whites, that the teachers were often fanatical or of bad character, that the schools were centers of trouble, that in the white schools textbooks hostile to the South were used and the pupils forced to sing Northern songs about the war, etc. On the other hand the Northern teachers complained that they were socially ostracised and sometimes mistreated, and that the Ku Klux Klan burned their schoolhouses.

During Reconstruction the number of the whites who opposed negro education increased, and the Northern teachers, at first enthusiastic, became discouraged not only because of the treatment received, but because of lack of results. The education they had given to the negro was better suited to people higher in the scale of civilization. Many returned North. The end of Reconstruction saw a great decline in negro illiteracy, but

1. Alice M. Bacon, in Slater Fund Trustees, *Occasional Papers*, No. 7.

an increase in white opposition because of the nature of the education given and its results. The most promising sign for the future was the development of the Hampton-Tuskegee plan during this period of discouragement. The problems with which Reconstruction began are, on the whole, unsolved, except in so far as Armstrong and Washington have solved them.

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1. NORTHERN VIEWS OF THE EDUCATIONAL PROBLEMS OF RECONSTRUCTION

Education as an Element in Reconstruction

Proceedings National Teachers' Association, 1865 and 1870. The session of the National Teachers' Association in 1865 was devoted principally to discussing the question of education in the South. The speeches of the leaders are useful to illustrate the feelings, opinions, and knowledge of conditions upon which the educational part of the Reconstruction was largely based. [1865, 1870]

[S. S. Greene, President N. T. A., 1865] How was it in the states where the institution of slavery prevailed? There was no Common School System. . . The children of a large portion of the population were, by law, prohibited the advantages of an education; and a large portion of the free population were virtually shut out from the means of early culture. These two sections of the country, from the necessities of the case, must be parted from each other, by different tastes, different views of life, different aspirations, different judgments as to right and duty as to the true functions of government. Sectional and selfish jealousies are engendered. Designing men inflame and cherish them. Education is the chief unifying process on which we can rely for a permanent peace. Let our statesmen duly consider this point in the work of reconstruction. . . In the treatment of prisoners, in the treatment of those who have expressed opinions adverse to the prevailing power, in the free discussion of unwelcome topics, it is gratifying to see what control education has exerted over the government and the masses of the loyal States. Would that, in these respects, faithful history were not compelled to exhibit its darkest page in regard to the States lately in rebellion. . .

In the very act of emancipation there is the sacred promise *to educate.* Slavery has kept the word *education* out of our National Constitution. . . Slavery is dead, and we can now introduce into our Constitution the angelic agency of education. We can now, for the first time, meet the demands of humanity, civilization, and freedom. We can not only

teach the negroes, but we can emancipate the "poor whites" whom ignorance has kept so long in bondage. The old slave States are to be new missionary ground for the national schoolmaster, where, without regard to rank, age or color, he will teach all his pupils that learning and development are the first natural rights of man.

[Francis Wayland, 1865] The rebellion has tested the value of education. It has been a war of education and patriotism against ignorance and barbarism. . .

[President Hill of Harvard, 1865] The present hour opens peculiarly inviting fields of labor for those engaged in teaching, . . and in the new work of spreading knowledge and intellectual culture over the regions that sat in darkness.

[J. P. Wickersham, 1865] What can education do for the slaveholders? The great majority of those who formerly held slaves are now just what they were before and during the war; and I am extremely doubtful whether there are any means by which they can be made, as a class, good and loyal citizens. . . Events seem to show that nearly all are at heart still opposed to free governments, and to the crowning excellencies of free governments — free men, free thought, free speech and free schools. If pardoned, and permitted to retain their property and the privileges of citizens, they will soon attempt to regain their lost power in the State and National Governments, and to revive the aristocratic forms of Southern society. If pardoned, but not permitted to retain their property, or the privileges of citizens, a few may quietly submit to what they will consider their hard condition; some will leave the country — the more the better — while others will remain, to trouble every community in which they live with their ill-concealed treason. They have been already sadly miseducated, and they would scornfully reject all proffers of education at our hands. They are the thorns around which, and in spite of which, the wounds of the body politic must heal. We must treat them as Western farmers do the stumps in their clearings; work around them, and let them rot out. . .

What can education do for the non-slaveholding whites of

the South? . . The great majority are deplorably ignorant — more ignorant, . . than the slaves themselves. They were described by travelers in the South, before the war, not only as ignorant, but as idle and debased. Those who have seen much of the rebel armies or of the rebel prisoners during the war, can well believe that those accounts are not exaggerations. At Point Lookout, only about one out of twenty of the rebel prisoners could read and write; and these prisoners were equally intelligent with those confined elsewhere.

It was this ignorance that enabled the rebel leaders to create a prejudice in the minds of this class of persons against the North, and to induce them to enlist in their armies. . . As long as they are ignorant, they will remain the tools of political demagogues, and therefore be incapable of self-government. . .

What can education do for the freedmen? . . It still depends upon the North — upon us — whether the freedmen are to survive the "struggle for life" which they must now confront, or whether, like the native red men, they are to perish. . . To set the slaves free will be a doubtful blessing to them, if we do no more. American society has little patience with the weak and the thriftless. . .

[Andrew J. Rickoff, 1865] One class, because of the stability of slavery and the dominance of the slave-owning classes, was secure only in the ignorance of the poor whites, and they were at once too ignorant and too much under the influence and power of the slaveocracy to be induced to step forth in the march of improvement, and a third class were prohibited from learning to read, and the severest penalties of the statute laws were directed against persistence in teaching them, and the yet severer penalties of Lynch law, the gag, the thumbscrew, and the gallows, against even the suspicion of an attempt to do so. . .

He [the negro] must be strengthened against the views of the whites, and against the wiles, the guile and hate of his baffled masters and their minions.

[Gen. John Eaton, 1870] It should not be forgotten here that the sentiments which struggled for the overthrow of the Union had been the subjects of misguided instruction,

poisoning specially for a generation the channels of thought among the people of a large section of the country. On the other hand, the sentiments which sustained the Union existed, nay, were strong, clear and active, only to the extent that patriotic teachers and educational instrumentalities had made them so. Some one in 1861 fitly observed — "the plantation system and the school district system have come to a crisis."

The Negro's Capacity for Education

Report of New England Freedmen's Aid Society. [1865]

THEIR belief that reading and writing are to bring with them inestimable advantages, seems, in its universality and intensity, like a mysterious instinct. All who have been among them bear witness to this fact. As respects aptitude to learn, there is similar unanimity of testimony. It cannot be expected that a man or woman whose only school-training heretofore has been that of the plantation-school, or that children whose ancestors have been slaves for generations back, should show the same quickness that the children of New-England parents manifest. The negro adult or child, before he enters the Freedmen's school, has been at a very bad preparatory school. Slave-masters are not good schoolmasters: still, — due allowance made for parentage and training — it is not too much to say, that the aptitude at acquiring the elements of knowledge is, by the testimony of all our teachers, marvelous under the circumstances. They do not write as if they found calls for more patience than is demanded in our ordinary Northern schools. And it is a most significant fact, that the most enthusiastic are not the new teachers, but those who have been at their posts from the beginning. It may be of interest to some, to know that they do not find any difference, in respect to intellect, between those of pure blood and those of mixed blood.

The importance of the work of educating the freedmen, can hardly be exaggerated. Its results will reach into the future. . . The great mass of white men, who are now disloyal, will remain, for some time to come, disaffected. Black men who are now friendly will remain so. And to them must the

country look in a large degree, as a counteracting influence against the evil councils and designs of the white freemen.

Northern Songs in Southern Schools

House Report no. 16, 39 Cong., 2 Sess., pp. 239, 392, 399, 430. Statements of Northern teachers who had taught in New Orleans, 1863 to 1866. In the Southern cities where the army controlled teachers had to take the test oath and thus many Northern teachers were placed in the schools. There was objection to them and popular demand caused their removal in 1866. [1866]

[Testimony of Miss M. A. Armstrong:] I believe that over a hundred [teachers] were left out, and every one who made any display of patriotism in school, or encouraged the children to love the Union or to sing national airs. . . I was requested . . that songs obnoxious to the people should not be permitted. I handed the list of songs we were in the habit of singing to the superintendent and asked him to point out any that were obnoxious and I would leave them out. There was nothing but Union songs . . and war songs. . . I saw him afterward and asked him why I lost my position. He said he could but admire those who refused to teach and refused to take the oath under General Butler . . he told me that I had better not have anything sung obnoxious to the people. . . The Confederate cause was not permitted to be brought up on any occasion; but when I could bring up the Union cause I did so.

[Testimony of Miss Maria Taylor:] Once on a visit of the superintendent to my school he said he would like to hear some singing. I asked him what kind. He said nothing political. He knew there was nothing political sung there except on one side. The girls could not sing anything else and therefore did not sing. . . [We sang] such as Hail Columbia, Star Spangled Banner, and Yankee Doodle. . . Songs of that nature only. . . *Question.* Did you sing "John Brown's body lies a mouldering in the ground?" Yes, sir, we sung that. . . It was pretty hard to get some of the girls to sing it. . . I insisted on their singing anything that was determined to sing. . . We sung all the Union songs and all the war songs.

2. ATTITUDE OF THE SOUTHERN WHITES TOWARD NEGRO EDUCATION

An Appeal from the Freedmen

Selma (Alabama) *Times*, December 30, 1865. The appeal was signed by the leading negroes. [1865]

DEAR friends and former masters: We know there is a large number of widows and crippled men, who are well educated, and have no employment by which to make a living. These persons we would be pleased to see taking an interest in teaching our children, and training them up in the way they should go. We are greatly in want of schools, and to persons who will establish them, we will guarantee our undivided support. Our own people are the proper ones to teach us, and we sincerely wish them to do it. . . And why should it be considered a disgrace now to make a living at this business in the South? We make our living out of the people here, and therefore we think it our duty to spend our money with those who have sustained and taken care of us.

The United States Government and your State Convention gave us our freedom, and we prefer you to any other to have the money derived from our daily labor for teaching our children. If you all stand back, strangers will come in and take the money from under your hands and carry it away to build up their own country. They are not ashamed to make money from any class of men.

In Mobile the colored schools are taught by strangers, and they are making large sums of money. In that city alone, not less than 1200 or 1300 colored children are at school and all of them pay, with the exception of about ten or twelve.

We are trying to buy a lot in the suburbs of the city, upon which to build a school-house and church. If the teachers can get any place to make a commencement we will send our children at once.

"Shall the Negro be Educated?"

Selma (Alabama) *Times*, December 30, 1865. Editorial in answer to the "Appeal" printed above. [1865]

THE negroes are in our midst. We cannot get rid of them. It is absurd and impracticable to propose to send them out of the country. . . However much such a consummation is to be desired, it is not to be thought of for a moment by any sane man. . .

The negroes are among us, for good or evil; they must be taught to support themselves and contribute to the commonwealth; they must be made useful members of society; or, failing in this, they will become an insupportable tax upon the property, enterprise, and productive industry of the country, and the whites will be dragged down with them to a lower depth of poverty and woe than we have yet reached.

We have been the legal guardians of the negroes, and no legislation, no change of circumstances, can relieve us from the moral responsibility of such a relationship in the future.

They were born our slaves — they have grown up in our service; they have been taught to labor for us. . .

They did not seek freedom. They did not rebel against our authority. In the darkest hours of the past four years our properties and the treasures of our hearts were absolutely in their power and under their protection.

To their eternal honor be it recorded that despite the proclamations of the United States Government, the appeals of Federal army officers, and the instigation of emissaries from abroad, despite the tempting offer of freedom presented in the most attractive and seductive form, they everywhere were faithful, they nowhere committed a single outrage upon the defenseless ones in their midst. . .

As they must remain here, a due regard for the public weal imperatively requires that they shall be educated, taught at least to read and write. . .

Steeped in ignorance, they can never be made to understand the responsibilities that rest upon them as freedmen, or induced to perform the duties growing out of them. Other means, such as we have suggested, may prevent them from becoming

an unbearable burden upon society — may make them to some degree self-subsisting; but without the rudiments of education they can never be elevated above the condition of serfs, nor released from the tutelage and care of the whites — they must forever remain a tax, an incubus. . .

We have recognized the freedom of the negroes, admitted them into the courts as parties and as witnesses, guaranteed the protection of their property and persons — let it go further, and by such means as reflection and discussion shall show us to be practicable, not only to put it in their power to obtain the rudiments of education, but compel them to avail themselves of the proffered boon.

Why the Negroes should be Educated

Selma (Alabama) *Times*, June 30, 1866. Measures proposed by citizens of Oxford, Mississippi, June 12, 1866. [1866]

THAT the time has arrived when some measures should be adopted by the Southern people themselves to provide the ways and means of educating the freedmen, is a conviction to which we have been led by the following considerations:

1. This people are now thrown upon their own resources, in a state of freedom, for which they are, to a certain extent, unprepared.

2. They consider us, their former owners, to be now, as we have always been, their natural guardians and their best friends.

3. It is our interest, as well as our duty, to diffuse the blessings of education as widely as possible among all classes of people in our country.

4. If it ever was good policy to keep them ignorant, it certainly is no longer so, but the very reverse.

5. The right of suffrage will, in all probability, be given to this people at some future day.

6. Ignorant voters are the curse of our country.

7. If we do not teach them some one else will, and whoever thus benefits them will win an influence over them which will control their votes.

8. If we perform this service then we shall secure their identification with us in promoting all our interests.

So much for policy and interest — the least elevated form of the argument. Let us look at the subject in its moral bearings.

1. The church is the *light* of the world; it is therefore bound to illuminate the surrounding region. There is no special injunction to enlighten the white race only, but we are to *"preach the gospel to every creature."* "Search the Scriptures" is the command not addressed to our race only, but to mankind. God "commandeth *all men* everywhere to repent." We are unquestionably responsible to God for our influence and ability to do good. "The poor ye have always with you," is the declaration of our Saviour, and by his providential arrangement we are constantly reminded that we live not for ourselves alone; the colored race are now emphatically "the poor among the people."

2. But do we not owe it to them as a debt of gratitude? We remember how they, for our sakes, endured heat and cold, wet and dry, summer and winter, cultivating our fields, ministering to our comforts, promoting our wealth, improving the country, and actually advancing civilization, by their physical labor; attending upon us at all stages of our lives, nursing our children, waiting upon the sick, going with us to the burial of our dead, and mingling their tears with ours in the open grave. Can it be that all this is forgotten? And is it not a small return for all this that we are asked to make, when it is proposed that we shall give them that modicum of instruction which will enable them to read, or at least to know the way of life eternal? . .

But while we would not plead for the authority of great names as a sanction to our course, or an inducement to others, at the same time we rejoice to find, that in many parts of the South, the prominent citizens and official dignitaries are actively moving in this matter. In South Carolina, Gov. Orr and the first citizens of Charleston are urging the establishment of the common school system for the freedmen. In Alabama, ex-Governor Moore and ex-Congressman Curry are engaging in

the movement, and elsewhere in Mississippi, this field of labor is occupied by some of the most distinguished of our citizens. All this shows that the influence is at work which is to put into general operation an effective system of instruction for this people, in sacred and in secular knowledge. Let us, therefore, engage in the work in earnest, according as God shall open the way for us, and as you consider your duty in connection with the work, we ask you to decide upon that course that you will probably approve when the light of a coming eternity shall be shed upon the subject.

The Southern Churches and Negro Education

Senate Ex. Doc. no. 6, 39 Cong., 2 Sess., p. 11. Report of Gen. Wager Swayne, Assistant Commissioner of the Freedmen's Bureau in Alabama. [October 31, 1866]

QUITE early in the year the several religious denominations took strong ground in favor of the education of the freedmen. The principal argument was an appeal to sectional and sectarian prejudice, lest, the work being inevitable, the influence which must come from it be realized by others; but it is believed that this was but the shield and weapon which men of unselfish principle found necessary at first.

Advantage was immediately taken of the course of these religious bodies to extend the area of school operations. At towns and places where there were no troops, were found [Southern white] men willing, under cover of it, to open schools or to protect them, and whose position made them safe. Schools were opened in this way at Tuskegee, Auburn, Opelika, Salem, Greenville, Demopolis, Evergreen, Mount Meigs, Tuscaloosa, Gainesville, Marion, and Wetumpka, and later at Troy, Cubahatchee, Prattsville, and Haynesville; while opportunities beyond our means are still developing.

It was found, however, that the presence of a school dispelled the prejudice against it, and the bitterness, at first so dangerous and obstructive, has been gradually converted to a positive approval.

Southern Whites should Teach Negroes

Montgomery *Advertiser*, July 24, 1867. [1867]

ALFRED MCDONALD, a well known and respected freedman of Montgomery, is calling upon our citizens for aid to purchase a lot on which to build a school house. Gen'l Howard has appropriated a sufficient amount to build the house, and enough is to be subscribed to purchase the lot. The citizens are responding in a liberal manner, and thus justifying the interest they feel in promoting the education of the colored race. Our people have not been as prompt to teach the colored people themselves as they should be, trusting it to those who do not have very kind feelings for the South. A great many young men who are disabled for active work could find remunerative labor in teaching the colored children, and there is no discredit in it. It is a positive benefit to all concerned for the young men and women of the South to teach their former slaves. Some of the school books used by teachers are embellished with all sorts of stories about the cruelties and persecutions of white people toward the blacks, and it will continue to be the case as long as strangers come in and teach them. Education was a dangerous thing as long as slavery existed. No people are more degraded than an ignorant race of free people. Let the colored people be educated and as far as we are able let the Southern people help them to build their school houses and teach them too.

3. NORTHERN AID TO NEGRO EDUCATION

The Desire of the Blacks for Education

Senate Ex. Doc. no. 27, 39 Cong., 1 Sess. Report of J. W. Alvord, Superintendent of Schools for the Freedmen's Bureau. [January 1, 1866]

A GENERAL desire for education is everywhere manifested. In some instances, as in Halifax county, very good schools were found taught and paid for by the colored people themselves. Said a gentleman to me, "I constantly see in the streets and on the door-steps opposite my dwelling groups of little negroes studying their spelling-books." . .

Not only are individuals seen at study, and under the most untoward circumstances, but in very many places I have found what I will call "native schools," often rude and very imperfect, but there they are, a group, perhaps, of all ages, trying to learn. Some young man, some woman, or old preacher, in cellar, or shed, or corner of a negro meeting-house, with the alphabet in hand, or a torn spelling-book, is their teacher. All are full of enthusiasm with the new knowledge the book is imparting to them.

Bureau Schools in North Carolina

Senate Ex. Doc. no. 6, 39 Cong., 2 Sess., p. 104. Report of Gen. John C. Robinson of the Freedmen's Bureau. [1866]

IT is no unfrequent occurrence to witness in the same rooms, and pursuing the same studies, the child and parent — youth and gray hairs — all eagerly grasping for that by which, obtained, they are intellectually regenerated. . .

As an evidence of the great interest manifested for acquiring knowledge, an instance, probably never before equalled in the history of education, is to be found in one of the schools of this State, where side by side sat representatives of four generations in a direct line, viz.: a child six years old, her mother, grandmother, and great-grandmother, the latter over 75 years of age. All commenced their alphabet together, and each one can read the Bible fluently.

Night schools have met with gratifying success, and are eagerly sought for by those whose labors are of such a character as to prevent their attendance during the day. . .

Sunday schools have been established at many points where teachers reside. . . It is evident much good has been accomplished by their establishment, and no estimate can be made of the beneficial results of their full development.

A Northern Teacher and a Southern Editor

Freedmen's Record, April, 1867. [1867]

Charlottesville, Va., Feb. 9, 1867.

MR. J. C. SOUTHALL.

Not knowing any Southerners personally, I have always sent to the North for everything indispensable in the prosecution of my work here; but having heard colored people speaking of you as a true friend to the cause of education among them, I take the liberty, on their behalf, of requesting you to make a donation to the Jefferson School, in the form of printed diplomas, stating that the graduate is qualified to commence teaching the rudiments of an English education, &c.

If you are sufficiently favorable to the work to aid it in this way, I will send you a manuscript to be printed. Six or eight copies will suffice. . .

Yours respectfully,
ANNA GARDNER.

Chronicle Office, Charlottesville, Va.
Feb. 12, 1867.

MISS GARDNER, I take as deep an interest in the welfare of the negro race as any one. I am anxious to see them educated and elevated, and am prepared to give my aid to further those objects. The impression among the white residents of Charlottesville is, that your instruction of the colored people who attend your school contemplates something more than the communication of the ordinary knowledge implied in teaching them to read, write, cypher, &c. The idea prevails that you instruct them in politics and sociology; that you come among us not

merely as an ordinary school teacher, but as a political missionary; that you communicate to the colored people ideas of social equality with the whites. With your first object we sympathize; the second we regard as mischievous, and as only tending to disturb the good feeling between the two races.

If I am mistaken in supposing that you do not confine your teachings to the topics usually covered by school instruction, I will cheerfully furnish without charge the circulars you applied for.

Respectfully,
JAMES C. SOUTHALL.

MR. J. C. SOUTHALL, I teach *in school* and *out*, so far as my political influence extends, the fundamental principles of "politics" and "sociology," viz.: —

"Whatsoever ye would that men should do to you, do ye even so unto them."

Yours in behalf of truth and justice,
ANNA GARDNER.

A Foreigner's Observations

House Report no. 121, 41 Cong., 2 Sess., p. 21. Extracts from a report made to the French minister of public instruction by M. Hippeau, on "Ecoles pour les Enfants de Couleur." [1870]

IT was in Washington that the first schools for the children of freedmen were established. The schools are of all grades, and the general [Howard] is even constructing large, beautiful edifices for a college and a university. I was full of the memories of the most flourishing schools in the East, and I was well qualified to judge for myself of the differences in intellectual aptitudes of the two races. I must say that I have been unable to discover any. All the teachers . . that I have consulted on that point are of the same opinion.

My opinion of the intellectual aptitudes of colored children is shared by men of good faith who have, like me, visited the schools of the South. An English traveler, Dr. Zincke, in an account of his travels in America, says: "I must confess my astonishment at the intellectual acuteness displayed by a class

of colored pupils. They had acquired, in a short space of time, an amount of knowledge truly remarkable: never in any school in England, and I have visited many, have I found the pupils able to comprehend so readily the sense of their lessons; never have I heard pupils ask questions which showed a clearer comprehension of the subjects they were studying."

What I saw at Oberlin confirmed entirely the opinion I had formed. . . This remarkable institution is educating a large number of colored students. I found fourteen young colored girls in the most advanced class, and they appeared in no way inferior to their white companions. In 1868 the degree of A. B. was conferred upon fifteen young men and ten young women. The principal of the institution, in an address to the students, stated that in literary taste and philological ability these colored pupils were unexcelled by any of their white fellow graduates. The opinion of the professors at Oberlin is that there is no difference in intelligence manifested by the two races. In a Greek class of twenty-seven pupils of both races, instructed by a young lady of twenty-five years, daughter of one of the professors of the college, a young colored girl translated with exactitude, a chapter of the first book of Thucydides. The negro race constitutes nearly a fifth part of the population of Oberlin, and one of the professors assured me that the most peaceable, well-behaved, and studious citizens of that place belonged to the colored race. They are associated with the whites in all business and social relations, and no animosity is exhibited by either. The white man there is no more disturbed at sitting beside a colored man in the municipal council or on the committee of education than in an omnibus or at a restaurant table. This fair treatment of the blacks, however, is by no means universal; but every day weakens the repugnance which has hitherto constituted an insuperable barrier between the two races.

Value of the Missionary Work

C. C. Smith, *The Principle Underlying the Training of the Negro* 1904), pp. 9, 12. A statement by a Northern mission worker of today. [1865-1880]

MANY in the South have been accused of being opposed to negro education, when they have only been opposed to some things practised in the schools not in any way essential to the primary object. . .

But, men of the South, let me say that from the very nature of the revolution, from your relations to the negro in the past, you could not have been the negro's teacher. . . The North has sent some of her best sons and daughters to you for this training. Some have been fanatical, many have been mistaken in regard to their true relation to the white man and black. Some things have been done to alienate the races and create hardness. Yet they were God's own people, and in many things have led the negroes in God's own way, to the blessing of all. They have raised up and trained leaders among the negroes who are guiding their own people out of the wilderness. Your industrial conditions are improved; your land is better tilled; your factories have more skilled laborers because they came to you. The negroes, from their tutelage, are the most humble, the most honest, the most capable of all your laborers. Those trained by them in head and hand and heart are your best citizens of that race. They came as from God to you, and your land has been blessed by their coming.

4. MIXED SCHOOLS

A Debate on Mixed Schools

Proceedings of the Constitutional Convention of South Carolina, 1868, pp. 889, 900. Speeches by B. O. Duncan, scalawag, and J. J. Wright, mulatto. In each Reconstruction convention the question of mixed schools was debated. [1868]

[B. O. Duncan] The subject of education is, under the peculiar conditions of our State, probably the most important one we have had to consider in this body. . . Our success as a party, and our success as a people, depends entirely upon our being able to educate the masses of the people. Of this, no one is more convinced than I am, and no one is more earnest in the desire than I am, to see every man, woman and child in our State educated without regard to the complexion of their skins. In this view of the subject, I know that I am sustained by the intelligence, and virtue, and Christian feeling of the State. . . I need only refer, as proof of this assertion, to the actions of the Conventions, conferences, etc., of the different denominations of the State. The Baptist State Convention, which met at Anderson last August, unanimously adopted resolutions introduced by Dr. Furman, President of Furman University, warmly urging the education of the colored people in Sunday Schools, and in every way practicable; and expressing regret that the property of the denomination would not allow it to take more active steps. The resolutions provide that colored theological students, or ministers applying for instruction to the Southern Theological Seminary, at Greenville, shall receive such instruction of the professors. That Baptist Convention was presided over by Dr. Winkler, of this city, and was composed of the intelligence and learning of the denomination throughout the State. Measures of a like character have been adopted by similar bodies in the State; and all over the State you find the intelligent, educated ministers, founding Sunday Schools for colored children, and urging the necessity of their education. You find in many localities strong

objections, it is true; but it must be remembered that the majority of our white people are woefully ignorant. . . My assertion applies only to the intelligent, and there I contend that I am right. The earnest desire to educate all the people, is general among them. . . Let us then not begin wrong in this all important matter. . . If we begin by educating the masses, we end by overcoming their prejudices. But if we begin by attempting to overcome the prejudice by force and educating them afterwards, I am convinced that the whole plan will result in a failure.

Now, what is likely to be the result of . . opening the public schools to all? Simply that they would be attended only by the colored children. If the attempt is made to enforce a mixture in this way, I have no idea that fifty white children in the State would attend the public schools. The freedmen's [Bureau] schools are now . . opened to all; and yet I believe not one white pupil in the State attends them. The result would be exactly the same with our public schools. This is the state of affairs that we should certainly desire to avoid. In the first place, the poor white children would be deprived of any chance of education. They would continue ignorant and degraded and prejudiced. The whites who have means could send their children to private schools, but the poor whites would be as heretofore, unable to do so. You would also have the strange condition of affairs of the whites paying probably nine-tenths of the expense of institutions, which . . they would regard themselves as shut out from using. This would be a continual barrier in the way of peaceful and friendly relations existing between the two races all over the country. . .

Again, in attempting to enforce mixed schools, you bring trouble, quarreling and wrangling into every neighborhood; and that too among those who are not directly responsible to the law, and who are more likely to be governed by prejudice and passion than by reason. You come in contact with the women and children, who are more prejudiced and more difficult to control. . . In this way every neighborhood all over

the State would be kept in a continual state of turmoil and strife. In this way passion and prejudice of race will be continually nurtured, and peace and quiet will not be allowed to prevail in any portion of the country. . .

This is too serious a question, to the peace and welfare of the country, for me not to speak out plainly the dangers before us. . . The report [is] fraught with danger to the peace and harmony of the State, and to the friendly relations between the two races. They attempt to force upon South Carolina measures even in advance of Massachusetts, though they know that we are in every respect, at least one hundred years behind that much favored State. They do not reflect that civilization is a plant of slow growth; that we can only arrive at it gradually, and after long years of toil. . .

[J. J. Wright] His first point is, that this provision [for mixed schools] runs counter to the prejudices of the people. To my mind, it is inconsistent that such an argument should come from a member of the Convention. . . The whole measure of reconstruction is antagonistic to the wishes of the people of the State, and this section is a legitimate portion of that scheme. It secures to every man in this State full political and civil equality. . .

The gentleman from Newberry said he was afraid we were taking a wrong course to remove these prejudices. The most natural method to effect this object would be to allow children, when five or six years of age, to mingle in schools together, and associate generally. Under such training, prejudice must eventually die out; but if we postpone it until they become men and women, prejudice will be so established that no mortal can obliterate it. This, I think, is a sufficient reply to the argument of the gentleman under this head.

Constitutional Provisions for Mixed Schools

Poore, *Charters and Constitutions*, pp. 798, 1661. In South Carolina, Mississippi, Louisiana, and Arkansas, the races were by law to attend the same schools. The whites did not go at all. [1868]

[Louisiana] Art. 135. The general assembly shall establish at least one free public school in every parish throughout the

State, and shall provide for its support by taxation or otherwise. All children of this State between the years of six and twenty-one shall be admitted to the public schools or other institutions of learning sustained or established by the State in common, without distinction of race, color, or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State of Louisiana. . .

Art. 142. A university shall be established and maintained in the city of New Orleans. It shall be composed of a law, a medical, and a collegiate department, each with appropriate faculties. The general assembly shall provide by law for its organization and maintenance: *Provided,* That all departments of this institution of learning shall be open in common to all students capable of matriculating. No rules or regulations shall be made by the trustees, faculties, or other officers of said institution of learning, nor shall any laws be made by the general assembly violating the letter or spirit of the articles [on education].

[South Carolina] Article X. Sec. 10. All the public schools, colleges, and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color.

The Deaf, Dumb, and Blind

Reynolds, *Reconstruction in South Carolina*, pp. 237, 241. The first extract is from a rule made (1873) by J. K. Jillson of Massachusetts, superintendent of education in South Carolina. The second is from the message (1874) of Gov. F. J. Moses commenting upon Jillson's actions. [1873-1874]

[1] The following points relative to the admission of colored pupils into this institution [Deaf, Dumb, and Blind Asylum] will be strictly and rigidly insisted upon: 1. Colored pupils must not only be admitted into the institution on application, but an earnest and faithful effort must be made to induce some pupils to apply for admission. 2. Such pupils when admitted must be domiciled in the same building, must eat at the same table, must be taught in the same classrooms, and

by the same teachers, and must receive the same attention, care and consideration as white pupils.

[2] It was hoped that even political malice would have felt some touch of pity in contemplating the victims of the most awful bereavement that Providence has visited upon humanity, and that no discrimination would have been made as to those whom God himself had reduced to the same common level of calamity. . . You will see by the action above referred to of the board of directors of the asylum for the deaf and dumb and the blind, as well as by the action of the board of trustees of the State University, that at least in South Carolina "the chaff is being rapidly winnowed from the wheat" and that we are fast getting rid of influences prejudicial in our State institutions.

The Reconstruction of South Carolina University

Reynolds, *Reconstruction in South Carolina*, pp. 234, 235-236; and J. S. Pike, *Prostrate State*, p. 80. The first extract is from the minutes of the Radical board of trustees; the second is an account by an alumnus of the college; the last is from J. S. Pike, a Northern man. [1868, 1871, 1873]

[1] *Resolved,* That this board accepts the resignation of M. La Borde, M. D., A. N. Talley, M. D., and R. W. Gibbes, M. D., in the University of South Carolina; and in accepting the same this board deem it due to the public to place upon record their conviction that the resignations of these gentlemen were caused by the admission, as a student of the medical department of the University, of the Hon. Henry E. Hayne, a gentleman of irreproachable character, against whom said professors can suggest no objection except, in their opinion, his race; and recognizing this as the cause of these resignations this board cannot regret that a spirit so hostile to the welfare of our State, as well as to the dictates of justice and the claims of our common humanity, will no longer be represented in the University, which is the common property of all our citizens without distinction of race.

[2] The faculty had entered upon the work of building up a university which, as the literary institution of the State, should

equal if not surpass the fame and usefulness of the old college; and this work would have been accomplished but for the egregious folly and wickedness of those who held the control of the State. The old trustees who had the confidence of the people of the State, were rudely set aside to make place for adventurers who were unknown or known unfavorably. In the mere wantonness of power, or for the satisfaction which a rude nature takes in the humiliation of his superiors, negroes were placed upon the board of trustees. This act, although less cruel than that which needlessly outraged the sentiments of our people by thrusting negroes among the regents of the lunatic asylum, was more pernicious in its results. It excited suspicion of what ultimately followed — the attempt to mix the races in public education — and kept students away. But the professors, with the advice of friends of the University, stood at their posts hoping to save the institution by averting a change which would prove its degradation and ruin. In short, they wished to save the University for the white sons of the State. A mixed school was impracticable. The colored people neither needed or desired it. Claflin University, at Orangeburg, established expressly for the education of their children, offered them the facilities — the means of varied culture — obtainable at the University of the State. But the trustees were bent on a mixed school, and there were needy adventurers at hand to aid them in their attempt. Supposing, correctly, that the old professors would not lend themselves to the perpetration of such an act of wanton injustice, they removed them, and conferred their places upon strangers who, even if unknown, or known only to be despised, as incompetent or immoral, were yet more subservient to their views. The University thus became, both in its officers and its matriculates, a mixed school; and a policy which a republican Congress has since refused to adopt, and thus virtually repudiated, was allowed to effect the ruin of that seat of learning.

[3] Before the war . . [the University of South Carolina], sheltered some two hundred students. Their young blood was fired by the first tap of the drum, and they all rushed to the

field. They have not come back. What was to be a pastime proved a stern reality. The buildings look worn and desolate, and only a handful of scholars and a few poorly-paid professors remain. In execution of the steady purpose of putting the blacks on an equality with the whites, a measure was passed at this session to throw open the library to the colored students of the Normal School, and to take one of the college buildings for its uses. And in pursuance of the same purpose a majority of the trustees of the college were recently chosen by the same Legislature from the ranks of the blacks. In this case it was color rather than qualification for the post that was sought. This destroys the usefulness of the college so far as the white youth are concerned, as a young aristocratic blood of the State will decline the proposed amalgamation. The movement will eventuate in the substantial destruction of the University, as the black population will afford an inadequate supply of students. It is a damaging blow to the interests of education in the State, and a significant step in the process of Africanization. But, even if the college could be allowed to remain in the hand of the whites, such is their stripped condition that it would be difficult to maintain its former prosperity. Still, it would afford to the youth of the State a sort of domestic intellectual holding ground, of great service during the present transition stage. Its capture by the blacks is a useless humiliation to the whites, since its advantages will now be lost to both races. It does great evil and does no good. It is an attack upon the prejudices of the whites from no other motive than desire of domination. Rather than relinquish the opportunity to control the college, the blacks are willing to destroy it. The class of whites that support institutions of learning naturally decline enforced intellectual association with the new masters of South Carolina, and we judge will not be accounted particularly fastidious for this peculiarity.

Results of the Mixed School Policy

The first extract is from the *Annual Cyclopedia, 1870*, p. 457. Reply of Dr. Sears, agent of the Peabody Education Fund, to the Radical superintendent of education in Louisiana, who had asked that he be given a part of the fund. The second is from the *Mississippi Election of 1875*, p. clx. Associated Press dispatch. [1870, 1875]

[1] In the distribution of our fund I should be most happy to coöperate with the State authorities. But I understand that the State public schools [of Louisiana] are so organized that the greater part of the white population are unwilling to send their children to them, and that consequently the benefit of the public money goes . . to the colored children chiefly. If there is any feasible way of removing this inequality, bringing the white people generally into coöperation with you, the necessity for a local agency would cease, and we could act in concert with you.

We . . raise no question about mixed schools. We simply take the fact that the white children do not generally attend them, without passing on the propriety or impropriety of their course. We wish to promote the universal education — to aid whole communities. . . If that cannot be, on account of peculiar circumstances, we must give the preference to those whose education is neglected. It is well known that we are helping the white children of Louisiana, as being the more destitute, from the fact of their unwillingness to attend mixed schools. We should give the preference to colored children were they in like circumstances.

[2] On Friday last the trustees of the Peabody fund for aiding the public schools of the South held a meeting [1875] at the Greenbrier White Sulphur Springs, at which the report made by Dr. Sears of his last year's work was discussed. From this report we learn that Dr. Sears disbursed from the fund under his charge but a small amount to South Carolina, Florida and Louisiana, because those States do not foster public education. In South Carolina and Louisiana the republicans have had possession of the government for years past. In Florida the democrats have only recently had any chance of carrying this State. Yet in these three States, where the white friends of

the colored people have everything their own way, the school funds have been squandered and dissipated and the school houses closed. What wonder is it, then, that Mr. George Peabody Russell, who joined in the discussion of the Sears report, gave it as his opinion, from personal and recent observation, "that nothing could be expected of those States in the way of advancing their educational interests until there was a change in their State governments."

5. EDUCATION DURING RECONSTRUCTION

A Democratic School for Negroes

Yazoo *Banner*, October 18, 1868, quoted in Morgan, *Yazoo, or On the Picket Line of Freedom in the South*, p. 220. For several years the whites in the Black Belt made attempts to conduct schools for the blacks taught by native whites or by Democratic negroes and Northern men. [1868]

THE school established by our citizens last summer for the benefit of colored children generally, but more especially for the children of colored Democrats, is, we are glad to know, in a most flourishing condition. There are now about twenty pupils, all of whom, we are informed by Mr. Richards, the teacher, are making fair progress in their studies, and give most satisfactory evidence of substantial improvement. The little darkies are delighted, their parents are gratified at the interest thus displayed in behalf of their children by their white friends, and in every way the institution may be declared a decided success.

But to show our people how their efforts to improve the colored people and how their benevolence is appreciated by an Ohio radical, we reproduce an article on the subject of our colored school from a radical paper called the *Aid to Progress* which is published in the town of Wilmington, Ohio. The editor of this paper, we believe, was formerly a carpet-bagger, and was operating in Mississippi on the ignorance and credulity of the negroes but a few months ago as a means of earning a livelihood. But strange and unaccountable as it may seem, he became weary of enduring the scorn and contumely of respectable people and rummaging about negro quarters at night, and accordingly returned to Ohio, where he became the editor of a mean, dirty little radical newspaper.

Noticing an article in the Vicksburg *Times*, in which it was stated that a competent Democratic teacher was wanted to take charge of the colored school in this place, and being accustomed, like every other radical, to systematically maligning the South-

ern people and tracing every act of theirs to an unworthy or dishonorable motive, he makes the following comments. . .

"Let whoever reads the above remember that hundreds of men and women have been foully used, many of them murdered by those rebels, because they undertook after the surrender of the rebel armies to teach the ignorant negro. Thinking that they will be able to prevent them from acting with the party which gave them their freedom, these base wretches are now pretending to want them taught. Is there anything too criminal for modern Democracy to engage in? The negroes should of course be taught; but what is the motive by which this call for 'a competent Democratic teacher' is prompted? The most damning that ever moved the heart of man. It is to use the vote and action of a human being as a means by which to enslave him. The treachery and villainy of those rebels stands without parallel in the history of man. And yet there are honest men here in the North simple enough to believe that they can be trusted with the government of these States!"

School Appropriations in South Carolina

Ku Klux Report, South Carolina testimony, p. 156. [1871]

THE appropriation for school purposes by the legislature is very small. The poll-tax is also appropriated to the school fund; but they have not collected the poll-tax from a great many, and have not been able to do so, because they were without property. I do not think a great deal has been appropriated for teachers. The salaries of the school commissioners almost consume the appropriation made by the legislature. I have heard a great deal of clamor among the school-teachers in our county about not getting their pay.

Their salary as school commissioners is $1,000 a year, and there being about thirty-two or thirty-three commissioners in the State, it takes nearly the whole appropriation made by the legislature to pay their salaries.

Trials of a Negro Teacher

MS. Letter, Alabama Archives. After 1869 teachers were not regularly paid in any reconstructed state. [1874]

Bluffton Ala
Oct the 29th 1874

HON. MR. BINGHAM

Kind Sir Address you for the perpos of noing wether we School Teacher will get any pay for the terms of the Scholastic year for we have not got nothing for the whole terms that have bin tought in Chambers county. the county tresure say the money was sent to Montgomery he say that neere *$4.000* sent there so I thought I would ask you we the Teachers of Chambers County have not got any money this hole year & now we are in debt & dont no how to get out We owe for Board & the County Tresure tell ous that money was sent to Montgomery & he dont no when we will get any the Supt. give orders but the tresure give no money I tryed to sell my warrent to the Banker Shapard at opelika & he rote to the Tressure of Chambers County How the case stood So he return the Compliments stateing that the money was in the hands of the Ratical at montgomery So he hand my warrent back to me saying that he would not give any ting & it was not werth anyting pleas sir Be so kind as to Let me no Somthing about

I am at Bluffton ala. please direct yor Letter to West Point Ga

Your Obedent
H. C. CALHOUN (Col d)

"Disgraceful Conditions" in the Schools

Report of Superintendent of Education in Louisiana (1871) in *House Report no. 261, 43 Cong., 2 Sess.*, p. 938. The Superintendent, W. G. Brown, was a negro. [1871]

I HAVE prepared the following statement, which, while it exhibits but a fraction of the frauds committed and amounts embezzled, reveals a condition of affairs disgraceful in the superlative degree to all concerned, and of the correctness of this statement I have the most indisputable proofs.

The following exhibit, compiled from a report of the parish board of school-directors of the parish of Plaquemines, Louisiana, and from several supplementary reports of the treasury of said parish board, shows the amount of embezzlement of the funds received for the public schools:

No. of Ward	*For What Purpose Paid*	*Reported Paid*	*Actually Paid*	*Amount Embezzled*
1	Teachers' salaries	$ 435 00	$ 260 00	$175 00
3	Teachers' salaries	940 00	565 00	375 00
4	Teachers' salaries	1042 50	885 00	157 50
4	Rents	485 00	90 00	395 00
5	Teachers' salaries	360 00	195 00	165 00
5	Rents	90 00	. . .	90 00
5	Fuel	29 00	. . .	29 00
6	Teachers' salaries	120 00	10 00	110 00
6	Rents	93 00	. . .	93 00
9	Teachers' salaries	172 50	. . .	172 50
10	Rents	236 00	. . .	236 00
	School-furniture	717 55	. . .	717 55
	Charles Lewis	50 00	. . .	50 00
	C. Brown, carpenter work	75 50	. . .	75 50
	Total	4,846 05	2,005 00	2,841 05

The Louisiana State University

MS. Diary of David French Boyd. The Louisiana State University was established in 1859 with W. T. Sherman as President; D. F. Boyd one of the professors then was made President in 1865; after 1868 no appropriations were made to the University because of the law making mixed schools obligatory; Col. Boyd and some of the professors remained without pay at their posts to prevent the property from being seized and sold by the carpetbag state government, and so managed to save the institution until 1876. [1874]

July 23, 1874. This day finds our poor school in very bad condition — terribly in debt, ourselves so poor that we are in actual want — no money and no credit — and the impression pretty general throughout Louisiana that the University cannot long stand — if indeed it is not already broken up. . . No one

can tell the difficulty and trouble we had last year, to keep the school alive and I fear that we shall have another year, if not two years, of great trial. An institution deserted by the state, because we are not presumed to be in accord with the ignorance and villainy of the powers that be, and very little supported by the people of Louisiana because of the general law of the state which makes it obligatory on all the schools, supported in whole or in part by the state, to receive *negroes* as students . . has no hope for its existence but in its powers of endurance, till right and reason, and enlightenment again have their due weight in our Legislature. . . The anxiety and care of this place is now very great . . with all the while the greatest difficulty to procure bare subsistence. And today we are nearly out of such few common articles as we have, viz. bread, meat, peas, rice, sugar, coffee, and tea. We are out of sugar; and of butter we have had none for many months. We are using up now what we promised to pay for at the end of this month. We have not a dollar . . in the treasury; and where the money is to come from to pay those who have fed us this month, I don't know. . .

July 24, 1874. Professor S —— A —— has been absent. . . visiting some of his friends. . . But he like the rest of us is so near out of clothes, that he must find it hard to make himself presentable. I never was as poor in all my life not even in the worst days of the war. . . I have bought no clothes for myself or family . . for three years. . .

July 25, 1874. Still without sugar. Had today to have the buttons (brass) taken off my [Confederate] uniform coat and replaced by common . . buttons. Too poor to buy a new coat.

August 1, 1874. Mr. Van Pelt, T —— B —— and I have been making copies of my circular. We are too poor to print; so we have to make written copies. . .

August 6, 1874. . . Today and up to Saturday, we will no doubt have beef and bread; but unless I can get money, or get salt meat and flour here, there will be nothing to eat at the University. . .

August 16, 1874. . . What is to become of us if we stay here much longer, or if I should die, God only knows. I have

not a dollar, owe a great deal, and what money is due me from the University I may never get. . .

August 17, 1874. . . No man can know the trouble this institution has given me. I have brought it through "Reconstruction," and now we have the "Usurpation." To take it through Hell could not be much more . . if I thought the next eight years were to be like the last eight, I would rather die now.

October 4, 1874. . . This is the last day of my 40th year. Who has worked harder and accomplished less in 40 years than I have? Two years ago, I had determined to leave the service of the University today, if not before. But the everlasting Carpetbagger and Nigger decreed otherwise. I must stay here ten years more, if necessary, for the salvation of our poor school. But meanwhile how is my family to live? . . Our poor school cannot prosper until there is a new government, new laws and new prosperity for our state and people. The mere mention of Civil (negro) Rights has almost destroyed the public schools and colleges in some of the Southern States. Would they stand 8 years as we have done, with the Civil Rights law actually in existence? In Louisiana the negro has been "on top" since 1868. . .

November, 1874. We are falling back in our library generally. We do not even know what is being published. But for the Kellogg usurpation in 1873 . . our school would now be in condition to do much good to the state. But it is a pitiable wreck of what even it was in 1872.

December 1, 1874. We are bad off pecuniarily. Many a time during the year have we been doubtful of rations one and two days ahead — even sometimes of a morning we did not know that we could have anything for dinner. And this a state school.

February 22, 1875. . . I have of late been talking pretty freely with our professors and others about our prospects, advising all who can to get away. And considering the condition of my family, it is sad to think that I can't go too. But if I leave who is to take charge of all the affairs of the institution

and keep either the state or creditors from taking all the books, etc. . .

March 3, 1875. . . Letter from Brosnan . . He gives a deplorable account of his own affairs; how hard it seems to be to get pay for his services as Professor of Mathematics, New Orleans High School. . .

May 22, 1875. . . The Deaf and Dumb Asylum has closed — all the pupils but two gone. The Blind Asylum may soon have to do the same thing, for want of means. But we shall keep our post even if we have no cadets.

June 30, 1875. Closed our session, perhaps our last session, here today, with four cadets, McNulty, Randolph, Robinson, and Slack. T—— B—— and myself, with Guyol (ready to teach *French*) as Professors. . .

At times it did seem impossible to bring the session to a legitimate close. And I do not believe that such an effort to maintain a *state* school — an average of 4 professors and 6 cadets, through the session, was ever attempted before. But I do feel that the school is safe — that the general improvement in affairs in Louisiana will cause the school to prosper.

Education in Georgia

Ku Klux Report, Georgia testimony, pp. 616, 831. Statement, (1) of a negro preacher, and (2) of a conservative editor. [1871]

[1] I BELIEVE the sentiment of the people is getting to be very good about schools. In my county there never has been any trouble. The white people there seem to advocate it, and we went to work there directly after schools came about. Mr. Talmadage, a democrat, and a very clever man, gave us a piece of ground, and we built a log-house and got a democrat to come down there and teach us; after Mr. Eberhart came there, the Government paid him for it. The sentiment in my county is very good about schools. I heard one colored woman here say that they burned a school-house in her county not long ago. But I think the white people throughout the State are in favor of [negro] education.

[2] The sparseness of our population is the greatest drawback to a common-school system. . . In the towns our schools have been revived, but in the country that difficulty exists, and will continue to exist just so long as our population is as sparse as it is at present. . .

The colored people of Georgia are receiving more educational advantages than the poor whites. For a time, they had the earnest assistance of the Freedmen's Bureau, and since that time northern aid has been extended to them. We have always been so poor that it was a very hard matter to educate our own children, and we could not take care of the children of others. The consequence is that the children of the poorer whites are in a deplorable condition, growing up in vice and ignorance. . .

Some foolish people may express dissatisfaction, but the most of the people understand this: the negro is here; if he is ignorant, he will be vicious, and all we can do to make him a virtuous and intelligent citizen it is our duty to do. I have never known any objections to that.

Opposition to Reconstruction Education

Report of State Superintendent of Education of Mississippi, 1871. The schools in Mississippi were by the constitution mixed schools; but opposition sometimes resulted in the establishment of separate schools for the races. [1871]

No feature of the new system of government met with more determined opposition at the outset than the school system. A majority of the wealthy and intelligent classes, unable to divest themselves of the irrational prejudices and passions, the outgrowth of slavery, clinging with a tenacity worthy of a better cause, to its concomitant social, political, and educational theories, they contested the introduction of the people's schools with a determination that seemed at times would overwhelm and destroy them. This antagonism was inspired by a class of idle politicians and an unscrupulous press, whose acme of ambition seemed to be to thwart every measure and effort looking to the development and prosperity of the State; preferring darkness to light — ignorance to intelligence.

This partisan hostility at length culminated in open violence, particularly in the eastern portion of the State. I have deemed it a matter of duty, unpleasant and painful as it is, to report some of the most flagrant cases of incendiarism and violence towards teachers and school officers which have occurred since the inauguration of the free school system.

Educational Conditions in Mississippi

(1, 2) *Mississippi Election of 1875*, p. 449. Statements of Conservatives. (3) Nordhoff, *Cotton States in 1875*, p. 74. [1875]

[1] THE feature of this constitution which forced the whites to mingle with the negroes in the common schools, or take the alternative of paying the heavy tax, without any corresponding benefit to their children, while it excited the opposition of the whites did not enlist the sympathies of the negroes, and it therefore contributed to the rejection of the constitution [1868]. The negroes were earnestly inclined to educate their children. They had not the means to provide education, and knew that the money for that purpose must be drawn from the whites. It was quite sufficient to compel the whites to educate the colored children, without rendering the burden insulting as well as onerous.

[2] . . I had been attorney for the board for quite a length of time. They had appointed me unanimously, these negroes had, and I remained in that position for some time, when I resigned my position, . . on account of their reckless management and on account of the refusal to hear the whites in regard to schools, . . at Mayerville there was a strong demand for a white school. There were some, I suppose, thirty or forty pupils, and they had no school house. They had to employ a teacher, and they got a room wherever they could to teach in; and the people brought it to the attention of the board several times, and they earnestly requested them to build a school-house there.

The board went through the pretense of posting a notice for bidders. . . They posted two or three notices, and the bids were offered there by good mechanics to build a school-house

at a good deal less than they had been paying for negro schools in various parts of the country.

And they rejected the bids on the ground of extravagance, and old Major Smith came up there about two or three weeks before the meeting in which Gross was to be requested to resign, and made a request, politely requesting them to have the notice renewed. He was very anxious about this school-house, and that was the wish of the whole community. It was opposed by this man Gross. One or two members were anxious to build it. This man Gross was very offensive to Mr. Smith, and told him to sit down, he didn't want to hear him and finally drove him away in disgust and despair. . .

They never refused any petition to build a colored schoolhouse anywhere. They built them all over the county, and they had standing notices to build them.

Q. How many white schools were in the county at that time?

A. Only one that I know. . . In fact, that was not a schoolhouse, either. They used the basement of a church.

[3] Someone in New Orleans sent me a letter of introduction to the State Superintendent of Public Instruction [of Mississippi] here — a colored man named Cardozo. On asking for him I found he had gone to Vicksburg "to look after an indictment" found against him — and when I myself went there, I found that Cardozo was not merely indicted, but, as an indignant Republican told me, "shingled all over with indictments" for embezzlement and fraud, and likely, if justice is done, to presently be sent to State-prison. What a lovely and improving sight for the children of the State, white and black!

A Lesson in a Florida School

Wallace, *Carpet Bag Rule in Florida*, p. 326. [1875-1876]

AFTER finishing the arithmetic lesson they must next go through the catechism. "Who is the 'Publican Government of the State of Florida?" *Answer* — "Governor Starns." "Who made him Governor?" *Ans.* — "The colored people." "Who is trying to get him out of his seat?" *Ans.* — "The

Democrats, Conover, and some white and black Liberal Republicans." "What should the colored people do with the men who is trying to get Governor Starns out of his seat?" *Ans.* — "They should kill them." This was done that the patrons, some of whom could read, would be impressed by the expressions of their children, and would be ready to put any one to death who would come out into the country and say anything against Governor Stearns. In many instances this teaching had its effect on the minds of freedmen. These teachers received from twenty-five to thirty-five dollars per month. The whole public school system was made a powerful auxiliary to the campaign fund of Stearns in the year 1875-6. The State Superintendent, while possessing unquestionable ability relative to the duties of his office, devoted his whole energy and time to the nefarious canvass for the nomination of Stearns to the utter neglect of the education of the masses. The same was true as to the Superintendents of some of the black belt and other counties — organizing political clubs instead of schools.

The White League after a Teacher

State Journal, October 4, 1875. The radicals claimed that this notice was sent to the white teacher of a negro school in Pike County, Alabama. Such notices were sent to obnoxious teachers, especially in the white districts after 1870. [1876]

September 20th 1875

MR. BANKS we thought we would give you a chance to save yourself one of the worst scourings that a man ever got and you can do so by reading this note and acting upon its contents. You have set up a nigger school in the settlement which we will not allow you to teach if you was a full blooded negro we would have nothing to say but a white skin negro is a little more than we can stand you can dismiss the school imediately or prepar yourself to travail we will give you a chance to save yourself and you had better move instanter.

Our little band calls themselves The Writing Straitners and if you dont leave this settlement with your negro children we will straten you.

Desire for Education fast Waning

Report of Freedmen's Aid Society, M. E. Church, 1875, p. 59. This extract illustrates the discouraged attitude of the Northern teachers of the negro toward the close of Reconstruction. Most of the former enthusiasts went back North and were succeeded by more practical persons, such as Armstrong and Washington. [1875]

WHILE . . the children of freedmen are still zealous in acquiring knowledge, this desire, which was once full-orbed, is fast waning with the masses of those who have passed their childhood. There was a time during the war and shortly after, when groups of colored men in middle life, and even in life's decline, could have been seen gathered about field stumps on which pine knots were blazing, trying thus to acquire the rudiments of an education. The enthusiasm was then at fever-heat. But this sight is at present rarely, if ever, witnessed. Said one of the speakers at the last anniversary of Fiske University, Nashville: "At the close of the war the people rushed into the schools — old gray-headed men and almost helpless children. There was an impulse that carried everything before it. Our own institution numbered at one time (1866) twelve hundred students. Then it dropped down to less than three hundred." There are ample data upon which to establish on general grounds these deductions. We need, perhaps, refer to but a single instance, inasmuch as it is one that furnishes an illlustration which is almost an exact parallel to the case before us. When the blacks of the British West Indies were emancipated they manifested a zeal for education only second to that shown by the freedmen of America; but to-day, especially in Jamaica, "the liberated slaves," says Colonel Baylor, "have relaxed into degrading sloth, if not also into barbarism." No one who has investigated this case questions but it might have been otherwise. The fatal mistakes were in diminishing their wages to such a pittance as required all their energies to eke out a mere subsistence; also, the withdrawal of all government aid by way of educational provisions; likewise the absence of personal encouragement to people so much needing it, and without which the emancipated will seldom, if ever, do otherwise than lapse gradually from their first ambitions and aims into idleness and indifference.

Proper aid and encouragement have been so long withheld that the colored man is tired of waiting. Obstacles and embarrassments have stood above him so thick and seemingly insurmountable that he is already discouraged. He has also made the unfortunate discovery that ignorance does not debar from the polls, not even from political preferment. The evening school has given way, therefore, to the political caucus. The freedmen, as would be expected, are found first sinking into idleness and intemperance — are fast becoming tools for corrupt politicians to play with, and are falling into Roman fetichism and a worse than former licentiousness. If now any one is philosopher enough to tell how to reproduce that early blush of enthusiasm for education among freedmen let him speak.

The Mistakes of the Reconstruction Education

Montgomery Conference, Race Problems (1900), p. 108. A Southern view, from the address (1900) of Dr. J. L. M. Curry, a life-long worker for negro education. [1866-1875]

I HAVE very little respect for the intelligence or the patriotism of the man who doubts the capacity of the Negro for improvement or usefulness. The progress made by the Negroes in education, considering their environments, their heredity, the abominable scoundrels who have come here from other quarters to seduce and lead them astray, is marvelous. . . It is not just to condemn the Negro for the education which he received in the early years after the war. That was the period of reconstruction, the saturnalia of misgovernment, the greatest possible hindrance to the progress of the freedmen, an immitigable curse, the malignant attempt to use the Negro voter as a pawn in the corrupt game of manufacturing members of Congress. The education was unsettling, demoralizing, pandered to a wild frenzy for schooling as a quick method of reversing social and political conditions. Nothing could have been better devised for deluding the poor Negro, and making him the tool, the slave of corrupt taskmasters. Education is a natural consequence of citizenship and enfranchisement, I should say of freedom and humanity. But with deliberate purpose to subject

the Southern States to Negro domination, and secure the States permanently for partisan ends, the education adopted was contrary to common-sense, to human experience, to all noble purposes. The curriculum was for a people in highest degree of civilization; the aptitude and capabilities and needs of the Negro were wholly disregarded. Especial stress was laid on classics and liberal culture to bring the race *per saltum* to the same plane with their former masters, and realize the theory of social and political equality. A race more highly civilized with best heredities and environments, could not have been coddled with more disregard of all the teachings of human history and the necessities of the race. Colleges and universities, established and conducted by the Freedmen's Bureau and Northern churches and societies, sprang up like mushrooms, and the teachers, ignorant, fanatical, without self-poise, proceeded to make all possible mischief. It is irrational, cruel to hold the Negro, under such strange conditions, responsible for all the ill consequences of bad education, unwise teachers, reconstruction villanies and partisan schemes. To educate at all, slowly, was a gigantic task.

Armstrong's Plans for Negro Education

Edith A. Talbot, *Samuel Chapman Armstrong*, pp. 157, 207. Copyright, 1904. Used by permission of Mrs. Talbot. The first extract is from one of Armstrong's letters; the second is a statement written by Booker T. Washington, one of General Armstrong's pupils. [1868]

[1] THE thing to be done was clear, to train selected Negro youths who should go out and teach and lead their people, first by example, by getting land and homes; to give them not a dollar that they could earn for themselves; to teach respect for labor, to replace stupid drudgery with skilled hands, and to those ends to build up an industrial system for the sake not only of self-support and intelligent labor, but also for the sake of character.

[2] I think I might state his objects briefly as follows:

First. He was anxious to give the colored people an idea of the dignity, and the beauty and civilizing power of intelligent

labor with the hand. He was conscious of the fact that he was dealing with a race that had little necessity to labor in its native land before coming to America, and after coming to this country were forced to labor for two hundred and fifty years under circumstances that were not calculated to make the race fond of hard work.

Second. It was his object to teach the Negro to lift labor out of drudgery and toil by putting thought and skill into it.

Third. He saw that through the medium of industrial education he could bring the two races in the South into closer relations with each other. He knew that in other matters there were differences which it would take years to change, but he knew that industrially the interests of the two races were identical in the South, and that as soon as he could prove to a southern white man that an educated skilled Negro workman was of more value to the community than an ignorant, shiftless one, the southern white man would take an interest in the education of the black boy.

Fourth. Through the industrial system at the Hampton Institute it was his object to give the students an opportunity to work out a portion of their boarding expenses. In this way he meant to prevent the school becoming a hothouse for producing students with no power of self-help or independence. I have often heard him say that the mere effort which the student put forth through the industries at Hampton to help himself was of the greatest value to the student, whether the labor itself was of very much value or not. In a word, he meant to use the industries as a means for building character — to teach that all forms of labor were honorable and all forms of idleness a disgrace.

The idea of industrial education, beginning for our people at Hampton, has gradually spread among them until I am safe in saying that it has permeated the whole race in every section of the country. There is not a State in the Union where there is any considerable proportion of our race whose influence counts for anything in which they are not interested in industrial education and are manifesting this interest by the

establishment of a school or by other substantial helps. They now realize, as never before, that the education of the head, the heart and the hand must go together. That while we need classical and professional men, we need a still larger number trained along industrial lines.

Not only has General Armstrong's belief in industrial education spread among our people in the South, but its influence is felt in the West Indies and Africa and other foreign countries, to such an extent that there are many calls coming from these countries for industrial education.

The work at the Tuskegee Normal and Industrial Institute is simply one of the results of the work of the Hampton Institute. There are a number of industrial schools, either small or large, in every State where there are any considerable number of our people.

Perhaps the most interesting thing in connection with the influence of General Armstrong is the rapid growth and spread of industrial education among the southern white people. For a number of years after the Hampton Institute was started the southern white people gave no attention to the subject, and rather took for granted, I think, that it was something in which the Negroes only should receive training. But as they realized from year to year the rapid growth of industrial education among the colored people and the skill and intelligence which they were acquiring, southern white educators here and there began to make investigation and to inquire whether or not the same kind of education was not needed for the southern white boy and girl, and very carefully and modestly at first industries were introduced into a white school here and there. These schools, however, were not very popular among the white people at first, but the idea of industrial education among the southern white people has spread until at the present moment I think every southern State has one or more institutions established for this kind of training for white youths, and the industrial idea has become almost as popular among the white people as among the colored people.

I think I am not going too far when I make one other sug-

gestion, and that is that the whole country owes General Armstrong a debt not only for the rapid and permanent growth of industrial education among the colored people and white people of the South, but it is to him that all are indebted more than to any one man for the growth of the hand training in the northern and western States. It is seldom . . that one individual has had the opportunity through a single idea to revolutionize the educational thought and activity of so large a proportion of the world as has been true of the founder of Hampton.

X

RECONSTRUCTION IN THE CHURCHES

X

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INTRODUCTION

NOT only educational matters but church affairs also were involved in Reconstruction. No more complicated situations arose, no bitterer feelings were aroused, than those involved in the religious tangles growing out of the war and reconstruction. The history of church troubles begins early in the nineteenth century, as one by one the churches divide over the questions of slavery and abolition. By 1861 all of the important organizations, except the Catholic, had divided into Northern and Southern bodies. The negro church members before 1865 were usually attached to the white organizations, or to missions supported by the Southern churches. It is worthy of note that the negro church membership greatly increased after the separation of the churches.

The war and its results temporarily weakened the Southern church organizations; the membership was reduced by death; the buildings had been destroyed, or having been used for Confederate hospitals were confiscated; and serious troubles had arisen during the war involving the Southern churches, the Northern churches, and the United States government, or rather some of its officials. This trouble grew out of the attempt of the Federal army officials to regulate the church services in the South and the action of Secretary Stanton, who inaugurated in 1863 the policy of turning over to the various Northern churches the buildings and other property of the corresponding Southern denominations. Northern ministers were then appointed to fill Southern pulpits.

Out of this action arose disputes that lasted for years and some communities are still divided by them. The military regulation of church worship continued until 1866 and culminated after the war in such affairs as the Wilmer episode and the closing of the Episcopal churches in Alabama.

The close of the war did not bring a reunion of the churches. Only the Episcopal and the Methodist Protestant bodies reunited, and those were weak in numbers. On the border some Southern congregations went over to the Northern churches; while former Northern congregations sometimes went over to the Southern bodies. Owing to the irritation over the war policy of the government in the border states the Southern churches were the greater gainers by the secessions in 1865-1866, and after reorganization were much stronger in numbers and in influence than ever before. The Northern churches planned to extend their work into the South, all efforts at reunion having failed, because, as the Southern church people said, of the feeling growing out of the war; because those willing to reunite were asked to make professions of "loyalty" or to comply with irritating conditions; but above all, a cause of failure was the "disintegration and absorption" policy which would take in the members and leave the Southern ministers out. However, some material existed from which the Northern bodies constructed weak organizations in the South: (1) the Southern Unionists; (2) a few preachers who disliked to continue in the Southern organizations; and (3) the negroes. The Stanton policy had given a certain amount of church property into their hands.

After reunion of the whites had failed, the Northern and the Southern churches were rivals for religious control of the negroes. The Southern churches, for obvious

reasons, selfish and unselfish, wished to retain their negro membership and the influence that went with it; and all the denominations made formal declarations of policy and began mission work among the negroes, long before all the white congregations were again supplied. The general Northern view was that the Southern whites were not safe guides for the blacks in religion any more than in politics and education, and their churches entered the mission field in opposition. As a result of the various religious movements most of the Southern mission work among the negroes was discontinued before 1875 and nearly all their negro members went to the African churches that came down from the North, such as the A. M. E. Zion Church; to the missions of Northern white organizations, such as the Methodist Episcopal Church (North); and to independent organizations formed for the blacks by the Southern white churches, such as the Colored Methodist Episcopal Church.

During the period of Reconstruction the Southern whites complained of the "disintegration and absorption" policy; they asserted that the Northern missionaries stirred up strife between the races, taught doctrines of social equality, made the negroes impudent, were "emissaries of Christ and the Radical party," that they gave unfair reports of Southern conditions, and in general were not of sound judgment and some of them not of the best character. The missionaries on the other hand declared that the whites were bitterly hostile to the Northern missionaries, ostracised them socially, murdered them, and burned their churches. The negro members under the guardianship of Southern white churches were ostracised and otherwise mistreated. When the Roman Catholic Church entered the field the Protestant churches of both sections opposed it.

The church problems were not solved during Reconstruction. At the close of the period the great churches were still sectional. Most of the negroes were in separate race churches, but, as in education, they were under Northern direction; and as harsh feelings had not subsided, the religious division seemed permanent.

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Military Regulation of Church Services: Fleming, p. 228; Garner, *Reconstruction in Mississippi*, p. 35; Nicolay and Hay, vol. vi, p. 334; Wilmer, p. 139.

The Wilmer Episode: Fleming, p. 324; Perry, *History of the American Episcopal Church*, vol. ii, p. 328; Whitaker, *Church in Alabama*, p. 172; Wilmer, p. 145.

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The "Disintegration and Absorption" Policy: Buckley, *History of Methodism in the United States*, p. 516; Crooks, p. 443; Fleming, p. 637; Smith, *Life and Times of George F. Pierce*, pp. 491, 499, 505, 550.

The Organization of Northern Churches in the South: Fleming, pp. 637, 648; Matlock, *Anti-Slavery Struggle and Triumph*, p. 339.

Religion of the Slaves: DuBois, *The Negro Church*, pp. 1-35; Harrison, *Gospel among the Slaves*, ch. 1-15; Mallard, *Plantation Life*, ch. 10-22; Thomas, *The American Negro*, ch. 6.

Formation of Negro Churches: *Census of 1890*, Statistics of Churches, *passim*; Fleming, p. 272 and ch. 20; Harrison, ch. 16-18; Mallard, ch. 24; Thomas, p. 169.

The Northern and Southern Churches and the Negro: Carroll, *Religious Forces*, pp. 263, 294; Fleming, p. 641; *Freedmen's Aid Society Reports*; Riley, *Baptists of Alabama*, p. 310; Thomas, p. 169.

Results and Later Problems: Bruce, *Plantation Negro*, ch. 7; Fleming, pp. 648-651; *Montgomery Conference*, Race Problems; Page, *The Negro*, pp. 65, 74; Thomas, ch. 6.

Northern Churches in Control of Southern Churches

McPherson, *History of the Rebellion*, pp. 522, 523. Similar orders were issued for the other Northern churches except the Catholic and the Protestant Episcopal, and the Southern church buildings were turned over to the Northern churches of the same denomination. [1864]

War Department, Adjutant General's Office,
Washington, November 30, 1863.

To the Generals commanding the Departments of the Missouri, the Tennessee, and the Gulf, and all the Generals and officers commanding armies, detachments, and posts, and all officers in the service of the United States in the above named Departments:

You are hereby directed to place at the disposal of Rev. Bishop Ames all houses of worship belonging to the Methodist Episcopal Church, South, in which a loyal minister, who has been appointed by a loyal Bishop of said church, does not now officiate.

It is a matter of great importance to the government, in its efforts to restore tranquility to the community and peace to the nation, that Christian ministers should, by example and precept, support and foster the loyal sentiment of the people.

Bishop Ames enjoys the entire confidence of this Department, and no doubt is entertained that all ministers who may be appointed by him may be entirely loyal. You are expected to give him all the aid, countenance, and support practicable in the execution of his important mission.

You are also authorized and directed to furnish Bishop Ames and his clerk with transportation and subsistence when it can be done without prejudice to the service, and will afford them courtesy, assistance and protection.

By order of the Secretary of War:

E. D. Townsend,
Assistant Adjutant General.

Headquarters Department of Memphis,
December 23, 1863.

Rev. Bishop Ames: In obedience to orders of the Secretary of War, dated Washington, November 30th, 1863, a copy of which is here attached, I place at your disposal a "house of worship" known as "Wesley Chapel," in the City of Memphis, State of Tennessee, the said house being claimed as the property of the Methodist Episcopal Church South, and there being no loyal minister, appointed by a loyal Bishop, now officiating in said house of worship.

I am very respectfully, your obedient servant,

James C. Veatch,
Brigadier General.

Military Regulation of Church Services

McPherson, *History of the Rebellion*, pp. 538-543. Such regulations, as outlined in the following orders, were in force until the early part of 1866, when the Wilmer case was finally decided. This policy began in 1862. [1864]

Headquarters U. S. Forces,
Natchez, Miss., June 18, 1864.

Special Order, No. 31.

II. The Colonel commanding this district having been officially notified that the pastors of many churches in this city neglect to make any public recognition of allegiance under which they live, and to which they are indebted for protection, and further, that the regular form of prayer for "the President of the United States, and all others in authority," prescribed by the ritual in some churches, and by established custom in others, has been omitted in the stated services of churches of all denominations, it is hereby

Ordered, That hereafter, the ministers of such churches as may have the prescribed form of prayer for the President of the United States, shall be read at each and every service in which it is required by the rubrics — and that those of other denominations, which have no such form — shall on like occasions pronounce a prayer appropriate to the time, and expressive of the proper spirit toward the Chief Magistrate of the United States.

Any minister failing to comply with these orders, will be immediately prohibited from exercising the functions of his office in this city — and render himself liable to be sent beyond the lines of the United States forces. . .

Norfolk, Va., Feb. 11, 1864.

General Order No. 3.

All places of public worship in Norfolk and Portsmouth are hereby placed under the control of the provost marshals of Norfolk and Portsmouth respectively, who shall see the pulpits properly filled by displacing, when necessary, the present incumbents, and substituting men of known loyalty and the same sectarian denomination, either military or civil, subject to the approval of the commanding general. They shall see that all churches are open free to all officers and soldiers, white or colored, at the usual hour of worship, and at other times, if desired; and they shall see that no insult or indignity be offered to them, either by word, look, or gesture on the part of the congregation. The necessary expenses will be levied as far as possible, in accordance with the previous usages or regulations of each congregation respectively.

Closing the Episcopal Churches

War Department Archives. Bishop Wilmer was consecrated in the Confederate church. The Northern Episcopal churches protested against his suspension and thus made easy the way for a reunion. [1865]

Headquarters Department of Alabama,
Mobile, Ala., Sept. 20, 1865.

General Order No. 38.

The Protestant Episcopal Church of the United States has established a form of prayer to be used for "the President of the United States and all in civil authority." During the continuance of the late wicked and groundless rebellion the prayer was changed for one for the President of the Confederate States, and so altered, was used in the Protestant Churches of the Diocese of Alabama.

Since the "lapse" of the Confederate government, and the restoration of authority of the United States over the late re-

bellious States, the prayer for the President has been altogether omitted in the Episcopal Churches of Alabama.

This omission was recommended by the Rt. Rev. Richard Wilmer, Bishop of Alabama, in a letter to the clergy and laity, dated June 20, 1865. The only reason given by Bishop Wilmer for the omission of a prayer, which, to use his own language, "was established by the highest ecclesiastical authorities, and has for many years constituted a part of the liturgy of the church," is stated by him in the following words:

"Now the church in this country has established a form of prayer for the President and all in civil authority. The language of the prayer was selected with careful reference to the subject of the prayer — all in civil authority — and she desires for that authority prosperity and long continuance. No one can reasonably be expected to desire a long continuance of military rule. Therefore, the prayer is altogether inappropriate and inapplicable to the present conditions of things, when no civil authority exists in the exercise of its functions. Hence, as I remarked in the circular, we may yield a true allegiance to, and sincerely pray for grace, wisdom and understanding in behalf of, a government founded on force, while at the same time we could not in good conscience ask for its continuance, prosperity, etc."

It will be observed from this extract, first, that the bishop, because he cannot pray for the continuance of "military rule," therefore declines to pray for those in authority; second, he declares the prayer inappropriate and inapplicable, because no civil authority exists in the exercise of its functions. On the 20th of June, the date of his letter, there was a President of the United States, a Cabinet, Judges of the Supreme Court, and thousands of other civil officers of the United States, all in the exercise of their functions. It was for them especially that this form of prayer was established, yet the bishop cannot, among all these, find any subject worthy of his prayers.

Since the publication of this letter a civil governor has been appointed for the state of Alabama, and in every county judges and sheriffs have been appointed, and all these are, and for

weeks have been, in the exercise of their functions; yet the prayer has not been restored.

The prayer which the bishop advised to be omitted is not a prayer for the continuance of any particular form of government or any particular person in power. It is simply a prayer for the temporal and spiritual weal of the persons in whose behalf it is ordered — it is a prayer to the High and Mighty Ruler of the Universe that He would with His power behold and bless His servant — the President of the United States — and all others in authority; that He would replenish them with grace of His holy spirit that they might always incline to His will and walk in His ways; that He would endow them plenteously with Heavenly gifts, grant them in health and prosperity long to live, and finally after this life, to attain everlasting joy and felicity. It is a prayer at once applicable and appropriate, and which any heart not filled with hatred, malice and all uncharitableness, could conscientiously offer.

The advice of the bishop to omit this prayer, and its omission by the clergy, is not only a violation of the canons of the church, but shows a factious and disloyal spirit, and is a marked insult to every loyal citizen within the department. Such men are unsafe public teachers, and not to be trusted in places of power and influence over public opinion.

It is, therefore, ordered, pursuant to the directions of Major-General Thomas, commanding the military division of Tennessee, that said Richard Wilmer, bishop of the Protestant Episcopal Church of the Diocese of Alabama, and the Protestant Episcopal clergy of said diocese be, and they are hereby suspended from their functions, and forbidden to preach, or perform divine service; and that their places of worship be closed until such time as said bishop and clergy show a sincere return to their allegiance to the government of the United States, and give evidence of a loyal and patriotic spirit by offering to resume the use of the prayer for the President of the United States and all in civil authority, and by taking the amnesty oath prescribed by the President.

This prohibition shall continue in each individual case until

special application is made through the military channels to these headquarters for permission to preach and perform divine service, and until such application is approved at these or superior headquarters.

District commanders are required to see that this order is carried into effect.

By order of Major-General Chas. R. Woods.

Headquarters Military Division of the Tennessee,
Nashville, Tenn., December 22, 1865.

General Order No. 40.

Armed resistance to the authority of the United States having been put down, the President, on the 29th of May last, issued his Proclamation of Amnesty, declaring that armed resistance having ceased in all quarters, he invited those lately in rebellion to reconstruct and restore civil authority, thus proclaiming the magnanimity of our government towards all, no matter how criminal or how deserving of punishment.

Alarmed at this imminent and impending peril to the cause in which he had embarked with all his heart and mind, and desiring to check, if possible, the spread of popular approbation and gratefull appreciation of the magnanimous policy of the President in his efforts to bring the people of the United States back to their former friendly and national relations one with another, an individual, styling himself Bishop of Alabama, forgetting his mission to preach peace on earth and good will towards men, and being animated with the same spirit which through temptation beguiled the mother of men to the commission of the first sin — thereby entailing eternal toil and trouble on earth — issued, from the shield of his office, his manifesto of the 20th of June last to the Clergy of the Episcopal Church of Alabama, directing them to omit the usual and customary prayer for the President of the United States and all others in authority, until the troops of the United States had been removed from the limits of Alabama; cunningly justifying this treasonable course, by plausibly presenting to the minds of the people that, civil authority not yet having been restored in Alabama, there was no occasion for

the use of said prayer, as such prayer was intended for the civil authority alone, and as the military was the only authority in Alabama it was manifestly improper to pray for the continuance of military rule.

This man in his position as a teacher of religion, charity, and good fellowship with his brothers, whose paramount duty as such should have been characterized by frankness and freedom from all cunning, thus took advantage of the sanctity of his position to mislead the minds of those who naturally regarded him as a teacher in whom they could trust, and attempted to lead them back into the labyrinths of treason.

For this covert and cunning act he was deprived of the privileges of citizenship, in so far as the right to officiate as a minister of the Gospel, because it was evident that he could not be trusted to officiate and confine his teachings to matters of religion alone — in fact that religious matters were but a secondary consideration in his mind, he having taken an early opportunity to subvert the Church to the justification and dissemination of his treasonable sentiments.

As it is, however, manifest that so far from entertaining the same political views as Bishop Wilmer, the people of Alabama are honestly endeavoring to restore the civil authority in that state, in conformity with the requirements of the Constitution of the United States, and to repudiate their acts of hostility during the past four years, and have accepted with a loyal and becoming spirit the magnanimous terms offered them by the President; therefore, the restrictions heretofore imposed upon the Episcopal clergy of Alabama are removed, and Bishop Wilmer is left to that remorse of conscience consequent to the exposure and failure of the diabolical schemes of designing and corrupt minds.

By command of Major-General Thomas.

A Pugnacious Methodist Preacher

Richardson, *Lights and Shadows of Itinerant Life*, (1901), pp. 183-4. Used by permission of Smith and Lamar. Copyright, 1901. Richardson was preaching in Georgia and Alabama. He belonged to the Southern Methodist church. [1865-1866]

THE negro garrison began to forage around on the country. The brethren came to me and asked me what they ought to do. I told them to bushwhack them. They made a few shots at the negroes, and that kept them close in their quarters. . .

The little captain issued an order that no rebel should preach unless he took the oath of allegiance and prayed for the President. . . Colonel Livingston, a true Methodist, came to me and advised me to take the oath. . . I told him I did not feel like it, and did not want to do it. Saturday afternoon came, and the colonel called again. At last I consented, and we went around to the captain's office. I informed him that I would do it with mental reservation. He said then if he were me he would not take it at all. I took the oath square. . .

I prayed for the President; that the Lord would take out of him and his allies the hearts of beasts, and put in them the hearts of men, or remove the curses from office. The little captain never asked me any more to pray for the President and the United States.

2. DIVISION OR REUNION

Feeling in the Southern Church

Wilmer, *Recent Past*, p. 158. Letter from Bishop Wilmer of Alabama to Bishop Hopkins of Vermont, explaining that for the present the Alabama diocese would remain separate. [August 1, 1865]

THE best men of the South are now under the ban. I cannot now recall the name of a single man, of those who have been ordinarily selected to represent the Southern dioceses in General Convention, who is not, in the estimation of public opinion at the North, "a rebel and traitor." But, more than this, they are classed under the President's proclamation as "unpardoned rebels and traitors." . . The prominent men of the South in the army attained a grade which now excludes them from the general amnesty; the highest legal talent was placed in judicial positions, the occupancy of which renders them liable to the extremest penalties of the law; the best talent in commercial, and agricultural life has been so unfortunate as to accumulate property above twenty thousand dollars in amount.

Now from these classes of men, . . the Church would naturally select her deputies to the General Convention. It is a most significant fact (and one which must be understood, in all its bearings, by the Northern mind, before deputies from all sections of the country can meet together in becoming harmony, and needful mutual respect), that the men whom, . . we regard as the most truly loyal, and in all respects trustworthy, are precisely those who are stigmatized by the people of your section, and by your Bishops in their Pastorals, as "rebels and traitors." It is surely not unreasonable to assume that your people are honest in their opinions, and that they will be consistent in their actions. . . It may therefore, reasonably be expected that they who denounced their Southern brethren as "traitors" will question the propriety of allowing them to take part in the deliberations of a "loyal Church." . .

Moreover, the Southern deputies themselves may very naturally be supposed to have some sentiment in this matter. Their

sons and brothers lie in bloody graves; their lands are desolate, and strangers devour it in their presence; their emancipated slaves garrison their cities; they live themselves . . under the ban; their representative man, no guiltier than themselves, is in bonds, and may have to die an ignominious death. The whole Southern people, therefore, are at this moment awaiting trial in the person of their representative head; they are denounced as felons, and a shackled press is forbidden to speak a word of vindication or remonstrance. Your own heart, good Bishop, will tell you that men in such a condition are in no mood to join in *jubilates* over a restoration which is sealed by their degradation. The peace, for which *Te Deums* will be chanted, is purchased by the loss of their inheritance, and they are now sitting in the deep valley of humiliation. . .

Should the animus of the next General Convention be such as to commend itself to the heart and mind of the South, there will, I think, after a while, be no general disposition to keep up a separate organization. The General Council [Church, South] will be held, according to adjournment, at Mobile in November [1865] next. Its action as a matter of course, must be somewhat affected by the animus exhibited in the General Convention [Church, North]. . .

Depend upon it . . that any restoration of our ancient relations, which looks to the establishment of lasting harmony in the Church, must be based upon a good mutual understanding, and upon a due regard for the rights and feelings of all concerned.

The Church Situation in Virginia

Report of Joint Committee on Reconstruction, part ii, pp. 89-91. Statement of a Unionist clergyman. [1866]

BISHOP GREGG [of Texas] remarked to me a few days ago, in conversation on the subject: "I consulted nobody in regard to my action in forming a southern church, when I supposed that the confederate government was a *de facto* government; but the moment that the confederate government ceased to be a *de facto* government, I did not wait to consult the authorities of the southern church, but notified the presiding bishop of the

Episcopal church in the United States that we were again in harmony with the national church." . . The fact that the diocese of Virginia has failed to put itself in connection with the national church, (the last that has failed to do so with the exception, perhaps, of South Carolina,) convinces me that there is a good deal of very decided feeling among the clergy and laity against harmonizing with the government. . . It indicates strong feeling and sentiment among the people. . .

There was a meeting at the close of last September; since that time there has been a meeting of the Council, as it is called, of the Episcopal Church of the Confederate States. At that council, the position of the clergy of Virginia, I am informed, was the most decided in sustaining the continuing of the council, and most opposed to any union with the national church. There is a series of articles publishing in the Southern Churchman, (. . the main paper of the southern church,) which are vindicatory of the southern church. The southern church is not satisfied with the general convention of the Protestant Episcopal church in the United States being entirely silent concerning the past, but appears to be desirous of creating a sentiment sustaining their own action. The laity of the church, particularly those who have suffered by the war, widow ladies and others who have lost their children, have, in a few instances, begun to show a change of feeling, and seem now like looking at things in their true light. As an evidence of this improved feeling, some of them come to our church now; (it is the Union church of the place [Alexandria, Virginia], the gathering point of the Union people, and has been open during the whole war). The fact that there are some who attend that church now, is, perhaps, a pretty good evidence of a change of feeling; but they are very few, . . they who are politicians, and desire to be politicians and the leaders of social life, manifest a more intensified feeling. The females, those especially whose pride has been humbled, are more intense in their bitterness and endeavor to keep up a social ostracism against Union and northern people. . .

The Baptists appear, as a whole, to be, perhaps, the most

bitter, and the southern Methodists possibly come next. The southern Methodists in Virginia are modified by the leaven of the Baltimore Conference, which conference extended over the free States, and the preachers of which were in connexion with northern churches till 1861, when they formed a separate body. . . The Baltimore Conference of the Methodist Episcopal church north, within the last few days, in conference at Alexandria, have united formally with the church south. Bishop Early, of the southern Methodist church, is now presiding. While the effect of that union will be, . . to magnify the southern church, there is another influence that will necessarily result from it, namely; that the leaven will, perhaps, modify the feeling again so as to make it less intense. That will be so, except with those individuals who, forsaking one position and going to another, are generally in advance in zeal for their newly espoused cause, just as northern men at the south, who are disunion men, are generally intensely so. This, perhaps, applies to the present state of things among the Methodists in Virginia. There is a small body of Presbyterians in Alexandria who are true Union people; but such has been the feeling in the church that perhaps a majority of the former whole body of the old church have left the church in which they have been baptized and educated, and have associated themselves with what is called now the Second Presbyterian church — a New School Presbyterian church, reputed to be intensely disloyal — thus giving evidence of their willingness, for the sake of their notions in matters in issue for the last four years, to sacrifice even their ecclesiastical connexions. This feeling of sympathy with the south has been even shown of the Quakers at Alexandria, to my perfect astonishment. I learn that they are about as decided in regard to the respectability of secession as any other class of people. The Protestant Methodist church, I am told, is equally divided.

Position of the Methodists in Regard to Reunion

Annual Cyclopedia, 1865, p. 553; *1869*, p. 443. The first document is a pastoral letter of the bishops of the Methodist Episcopal Church, South, to their clergy. The second is the reply of the Southern bishops to a proposal from the Northern Methodist Church. [1865-1869]

[1865] The abolition, . . of the institution of domestic slavery in the United States does not affect the question that was prominent in our separation in 1844. Nor is this the only difference or principal one between us and [the Northern Methodist Church]. While testifying with pleasure to the nobler conduct and sentiments of many brethren among them, we must express with regret our apprehension that a large portion, if not a majority, of Northern Methodists have become incurably radical. They teach for doctrine the commandments of men. They preach another gospel. They have incorporated social dogmas and political tests into their church creeds. They have gone on to impose conditions upon discipleship that Christ did not impose. Their pulpits are perverted to agitations and questions not healthful to personal piety, but promotive of political and ecclesiastical discord. . . Without such a change as we see no immediate prospect of, in their tone and temper and practice, we can anticipate no good result from even entertaining the subject of reunion with them. . . Preach Christ and Him crucified. Do not preach politics. You have no commission to preach politics. The divinity of the Church is never more strikingly displayed than when it holds on its even, straightforward way in the midst of worldly commotions. . .

The conduct of certain Northern Methodist bishops and preachers in taking advantage of the confusion incident to a state of war to intrude themselves into several of our houses of worship, and in continuing to hold these places against the wishes and protests of the congregations and rightful owners, causes us sorrow and pain, not only as working an injury to us, but as presenting to the world a spectacle ill calculated to make an impression favorable to Christianity. They are not only using, to our deprivation and exclusion, churches and parsonages which we have builded, but have proceeded to set up a

claim to them as their property; by what shadow of right, legal or moral, we are at a loss to conceive. We advise our brethren who suffer these evils to bear them patiently, to cleave closely together and not indulge in any vindictive measures or tempers. A plain statement of the case, and an appeal to the justice of those in authority cannot fail to defeat such scandalous designs, and secure us the full restoration of all our rights.

While some talk of the reunion of the two Churches, we forewarn you of a systematic attempt, already inaugurated, and of which the foregoing is only an instance, to disturb and if possible disintegrate and then absorb our membership individually. In the meeting [1864] of their bishops and missionary secretaries, alluded to, it was resolved to send preachers and plant societies in our midst wherever there is an opening. Their policy is evidently our division and ecclesiastical devastation. Against all this be on your guard. . . In this connection you will be pleased to hear that our people are steadfast. The border conferences, under special trials, present a noble example of steadfastness.

[1869] You [the Northern Church] say that "the great cause which led to the separation from us of both the Wesleyan Methodists of this country, and of the Methodist Episcopal Church, South, has passed away." If we understand your reference, we so far differ from you in this opinion, that it may help any negotiations hereafter taking place, to restate our position. Slavery was not in any proper sense, the cause, but the occasion only of that separation, the necessity of which we regretted as much as you. But certain principles were developed in relation to the political aspects of that question, involving the right of ecclesiastical bodies to handle and determine matters lying outside of their proper jurisdiction, which we could not accept; and in a case arising, certain constructions of the constitutional powers and prerogatives of the General Conference were assumed and acted on, which we considered oppressive and destructive of the rights of the numerical minority represented in that highest judiciatory of the Church.

That which you are pleased to call . . "the great cause" of separation existed in the Church from its organization, and yet for sixty years there was no separation. But when those theories, incidentally involved in connection with it, began to be put into practice, then the separation came.

We cannot think you mean to offend us when you speak of our having separated from you, and put us in the same category with a small body of schismatics who were always an acknowledged secession. Allow us in all kindness, brethren, to remind you, and to keep the important fact of history prominent, that we separated from you in no sense in which you did not separate from us. The separation was by compact and mutual, and nearer approaches to each other can be conducted with hope of a successful issue only on this basis.

It is our opinion that the controversies and tempers which so disturb the Churches, and are so hurtful to the souls of those for whom Christ died, are due in a large measure to irritating causes which are not entirely beyond the control of the chief pastors of the separated bodies. To this end we invite your concurrence and coöperation.

Northern Ministers Driven Out

Report of the Joint Committee on Reconstruction, part ii, p. 45. Statement of a Methodist preacher from Connecticut. Conditions were so in all the border states. In East Tennessee and other Unionist districts Southern preachers were driven out. [1866]

ECCLESIASTICAL bodies in Virginia are now divided upon sectional grounds. Before the war, churches in Virginia and in the south were connected with one of the general assemblies. They have now a synod of their own in the south, and on no ground that I can see, except on the sectional ground. I refer to the Presbyterian body, Old School. The Presbyterian body, New School, was divided before the war; that is, there was a southern assembly and a northern assembly. Since the war the Old School body and the New School body have merged all their doctrinal divisions, and have come together and united in doctrine; whereas they were divided before, discarding all connexion with the north. . .

As to the Methodist denominations the same things have occurred there. . . Although the Methodist denomination was divided before the war on the question of slavery, yet there were many churches in the valley of Virginia still connected with the north by the Baltimore conference. Since the war these churches have gone over to the south, and withdrawn their connexion from the north. The preacher who was sent by the Baltimore conference to the church at Winchester was confronted in the pulpit by Mr. Wilson, a minister, who belongs to the southern connexion, and who took the hymn-book out of his hand and went on and preached the sermon. . . General Ayres, the general of the department, was in the congregation at the time, and sent word to Mr. Wilson not to appear in the evening; he had given notice of a meeting in the evening. That congregation has all withdrawn from the church and gone to the southern church, leaving the pews to the few Unionists who are there, officers of the army, etc. They all go to the Union church to sustain it, but the body of the people have gone to the southern church. . .

In Berryville recently a mob broke up the meeting of a Methodist minister who had been sent by the Baltimore conference, in his own church where he was preaching. The mob assailed him, and drove him out of the pulpit and out of the church, and one of them fired a gun or pistol. The rebels said that they had fought four years, and would fight four years longer to break up such an establishment as that. . . Northern ministers are not invited to preach in the south at all.

Border Churches Go with the South

Report of Joint Committee on Reconstruction, part 11, p. 39. Statement of a Virginia Unionist. The border churches alienated by the events of the war often went over to the Southern organizations in 1865-66. In the Unionist districts the congregations went over to Northern churches. [1866]

NEARLY all those who during the rebellion adhered to the Baltimore conference, have gone now with the southern Methodists; and that reduces the northern Methodist church — as the southern people call it — to very few, except along the

northern border of the county. I heard Mr. Ross state last summer, in the pulpit of the Rehoboth church in our county, that he proposed to preach at Hamilton, in Loudon county; but they would not let him have the key of the church in which he proposed to preach, and they would not let him have the church. These are evidences of their hostility.

3. ORGANIZING NORTHERN CHURCHES IN THE SOUTH

Organizing a Northern Church in New Orleans

True Delta, March 28, 1864, in McPherson, *Rebellion*, p. 523. This so-called "government plan" was the one which Lincoln repudiated. See his *Complete Works, index*. [1864]

IN accordance with the [U. S.] government plan concerning the churches of the South, the Board of Missions of the Methodist Episcopal Church have sent the Rev. J. P. Newman, D. D., to New Orleans, to take charge of all the churches of that powerful denomination [M. E. Church, South] there. . .

On being introduced by the chairman, Dr. Newman said: There were three reasons for sending a minister from New York to New Orleans:

1. It was in harmony with the theory of labor as held by the Methodist Church. There is no such church as the Methodist Church North. Ours is the Methodist Episcopal Church. We are not sectional. We acknowledge no geographical limits less than the world itself. . . In the separation of 1844,[1] our church relinquished no right to labor in the South. . . We reject the sentiment that we are encroaching upon the rights of others. . .

2. It is required by the present state of the country. Thousands of our citizens have followed in the track of our victorious armies, "to build the old wastes, and raise up the former desolations and repair the waste cities," and the church had been recreant to her trust had she not provided them with the ministry of the Word. We have too long trusted our Northern men who have taken up their residence South to the exclusive influence of Southern teaching; . .

This movement was justified by the present disorganized and destitute condition of the Southern churches. Their former ministers had either fled or been silenced, or imprisoned, or

1. In 1844 the Methodist Episcopal church divided into two bodies; a Northern and a Southern.

banished, and it had become the solemn duty of the Mother Church to send shepherds to these deserted and scattered flocks. A shepherd would never leave his flock though all of Uncle Sam's guns were turned against him. (Applause.)

But we find ourselves met on the threshold by two embarrassments, of which I have heard since my arrival in New Orleans:

1. The question of property confronts us. We are denounced as church robbers; are charged of having robbed the people of the South of their church property.

My answer is: The right of church property has never been disturbed, as far as we are concerned.

The General Government has seen fit to seize these churches, but it has not conveyed their title to us. There has been no passing of deeds. We do not own an inch either of this or of any other church in the South.[1] The Secretary of War wrote to the General commanding this Department to place at the disposal of Bishop Ames the Methodist Churches for the use of the loyal ministers. If there has been any robbery the accusation lies against the General Government. But the General Government has committed no robbery. It was aware that these churches were occupied . . by congregations united by disloyal sympathies and by teachers disposed to inculcate treason. It knew that if they were placed under the care of the Methodist Church they would be occupied by no ministers but would be loyal to the Government, and that they would be likely to gather around them loyal hearers. . . He did not want to hear another word about the robbery of church property while he was in New Orleans.

2. Another embarrassment is the charge that the Methodist Church is a political church, and, therefore, should not be tolerated in the South. . .

Does it mean that our church is loyal to the General Government? If this be the meaning, I shall admit the charge. We hold and teach that loyalty is a religious duty, as truly obliga-

1. In 1848 the Northern Methodists repudiated as null and void the plan of separation and after that some of their leaders claimed the property of the Southern churches, but the Supreme Court of the United States upheld the claims of the Southern church. See Crooks, *Life of Bishop Simpson*, ch. 15.

tory as prayer itself. . . Nor is it optional with the minister whether he inculcates loyal sentiments or not, for how shall a man be saved unless he be loyal?

Does it mean that we are opposed to the doctrine of State sovereignty, Secession and Rebellion? I accept the definition. From the Sabbath-school scholar to the minister, from the exhorter to the bishop, our whole membership reprobate these doctrines. . .

I hate cowardice and approbate the outspoken truthfulness of the ministers of the North; . . . With no war has the church been more identified than with the present. With this war no Church has been more identified than the Methodist Church, both North and South.

The Methodist Church South has given no reluctant adhesion to the rebellion; has, perhaps, been foremost, *inter pares prima*, in the mad race of disunion.

The Methodist Church [North] has not been less unanimous and zealous in the defence of the Union. Her bishops, her ministers and her laity have nobly responded to the call of their country in this the hour of her peril. . . All our church papers and periodicals have given us uncompromising, zealous, persistent support in the Government, and have thrown the whole weight of their influence, intelligent as it was potent, on the side of the Union. . .

Much had been said about equality. But he believed that all men were equal in religious privileges, and ought to be equal in law; and he admonished his audience that if the Caucasian should reject the Gospel and refuse to fill the churches, (casting his eyes toward the galleries, which were filled with faces of a darker hue,) we turn to the sons of Africa. (Applause.)

"Reconstruction of Church and State"

Caldwell, *Reconstruction of Church and State in Georgia*, (1885), (Pamphlet). Caldwell was a Southern Methodist minister until 1865. [1865-1870]

THE re-establishment of our Church in Georgia was contemporaneous with the reconstruction of the civil government of that State, a period extending from 1865 to 1871. There could

have been no permanent re-establishment of the Church, after a separation of more than a score of years caused by the great schism of 1844, without a permanent re-establishment of the State government under the Reconstruction Acts of Congress, by means of which the rupture occasioned by Secession was healed. The two events constituted, therefore, a reconstruction, . . of Church and State. They were combined and close connected movements, the success of which alone, under God, could insure the peace and prosperity which the people of Georgia now enjoy.

The war of the rebellion, . . had come to an end in 1865. On the 4th of June in that year, soon after the publication of the President's proclamation of amnesty, I had a strange but solemn exercise of mind. . . I received new light and life from above, and during that night of agony and penitence formed a resolution which has continued unchangeable for nearly thirty years — that was, to speak plainly to the consciences of the people on a long forbidden topic — the evils of slavery. I accordingly, with great care and prayer to God for His assistance, prepared two sermons on Slavery and Southern Methodism, which I preached from my pulpit in Newman on the two following Sabbaths, June 11th and 18th. . .

The sermons were published by the [Northern Methodist] Book Concern in New York, and scattered extensively among the people. You remember well what an uproar they caused. A torrent of abuse, detraction and even slander, descended upon me. . .

In all my speeches I took the ground boldly, and with the earnestness of new-born conviction, that God had opened the gates of the South to the northern preacher and teacher to enter, in order to educate, elevate and save millions of ignorant and down-trodden human beings. The people seemed astonished to hear an ex-rebel thus speak, and regarded me as one just escaped from a fiery furnace — not dreaming that I could have spoken so and survived within the domain of the slave power. . .

At the same time I wrote Bishop Janes requesting him

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to come and organize us. He sent my letter to Bishop Clark, who had charge of the Southern work. In due time the latter wrote me, appointing a day when he would visit us in Atlanta. Seven brethren met him there at the time appointed, and he organized the "Georgia and Alabama Mission District," connected it with the Kentucky Annual Conference, and appointed as its superintendent, Rev. J. F. Chalfant, of Cincinnati.

The seven preachers who were thus organized were all Southern men, and all, but one, members of the M. E. Church, South. . .

Everywhere, in the newspapers and by individuals, they were opposed, and sometimes by combinations of restless men who were vexed, if not infuriated, at the movement. Their hostility was greater than it would have been but for a mistake which was made at the outset. . .

In my intercourse with Northern ministers and laymen I frequently heard of a proposition, made by a distinguished clergyman,[1] to the effect that when the M. E. Church entered the South one of the leading objects should be to "disintegrate and absorb" the Methodist Episcopal Church, South. Alluding to it while I was addressing the New York Preacher's Meeting, several brethren — among them I think was Dr. (now Bishop) Foster — questioned me closely concerning the probable effect of that policy. I answered that the M. E. Church, South, could not be disintegrated; that it would soon recover its former position and be as compact and strong as ever. I took the ground that the Northern Church was Providentially called to the South chiefly for the benefit of millions of poor people [negroes] who were in need of schools and churches for their enlightenment and salvation. . . From all that I could learn I thought that a general idea prevailed at the North that the Southern Church was so shattered and torn by the confusion and desolation of the war, that its membership would probably in a large measure be absorbed by the M. E. Church. I labored to correct this mistake, and think that in many places I succeeded. . . Wishing, therefore, to make a fair and open

1. Dr. Curry, editor of the New York *Christian Advocate*.

declaration before the southern public of our purposes and principles, I prepared a document for that purpose, which I designed to have published, and moved the appointment of a committee for that purpose at our first meeting with Bishop Clark. The committee was appointed, I was its chairman; and my resolution was adopted without a single alteration. But when they were reported the Bishop took charge of the paper without putting it to a vote, and that was the last we saw of it.

I have always deplored the mistake of not publishing that declaration of our principles and aims, as it would have lessened and greatly modified the hostility of our opponents. The disintegrating project was already known in the South, and was being used to crush us.

We were held up before the public as a set of politico-ecclesiastical propagandists; as malignants, bent on mischief; provoking the ex-slaves to hate, and take revenge on, their former masters; as disturbers of the harmony and peace of the churches. The opposition to our organization became so violent, and one of the seven was so berated and intimidated, that he soon gave up his work; others who were getting ready to join us were deterred from doing so; and some, who were kindly disposed at first, became exceedingly hostile.

"Disintegration and Absorption"

Crooks, *Life of Bishop Simpson*, p. 444. Extracts from Dr. Curry's editorials in the New York *Christian Advocate*. [1866, 1867]

ON February 22, 1866, the editor says: "The Church of the South, not less than the State, was built upon and fashioned to the institution of slavery; and as with the State, so with the Church, the removal of slavery necessitates a disintegration and reconstruction. This general remark applies more fully to Southern Methodism than to any other Southern ecclesiastical system on account of its denominational unity and common pastorate." The offer of lay delegation to the laity by the first Southern General Conference held after the war seemed to Dr. Curry to foretoken a dissolution of the Southern Church. On April 25, 1867, he says: "We doubt whether the (Southern)

laity are prepared to accept this degenerate bastard Methodism at the hands of their ministers. Let us be ready to give them that which they require — the Methodism of their fathers of the first century of our history, in spirit and form, as it ever has been. With this we may not only maintain our place in the South, but certainly disintegrate the rival body, and absorb whatever of it shall be found worth preserving." Dr. Curry was sincere in all this, but the results of history show that he was mistaken in his judgment of the course of events. Nor do I think that his opinion was generally entertained by our Church.

4. THE SOUTHERN WHITE CHURCHES AND THE NEGROES

Religious Instruction of the Colored People

(1) *Minutes of the Alabama Baptist State Convention, November, 1865*, p. 10. Report signed by W. P. Chilton; (2) *Minutes of the Synod of Alabama, October, 1865*, p. 18; (3) Montgomery *Advertiser*, November 11, 1865. Resolutions adopted by the Conference of the Methodist Protestant Church in Alabama; (4) Montgomery *Advertiser*, November 25, 1865. Speech of J. L. M. Curry at a meeting in Perry County. [1865]

[1] THE special Committee, to whom was referred the Report of the Committee on the Religious Instruction of the Colored People, together with instructions on the subject of their report, beg leave to submit the following:

1. *Resolved,* That the Churches of Christ having no legitimate connection with the State, should remain unchanged by the results of political revolutions, except in so far as these may open up new fields of usefulness, or as furnishing inducements for renewed and increased Christian effort.

2. That the changed political status of our late slaves does not necessitate any change in their relation to our churches; and while we recognize their right to withdraw from our churches and form organizations of their own, we nevertheless believe that their highest good will be subserved by their maintaining their present relation to those who know them, who love them, and who will labor for the promotion of their welfare.

3. That the condition of our colored population appeals very strongly to the sympathy of every Christian heart, and demands, at the hands of all who love the Saviour, renewed exertions for their moral and religious improvement; and to this end we would recommend the establishment of Sunday Schools, the providing for them the preached gospel, and the adoption of all practical appliances which will tend to ameliorate their condition, and induce them to become sharers in a common salvation.

[2] For many years past, . . we have been enabled to re-

port a marked and deepening interest in the instruction of the colored people. Indeed, such instruction was felt by ministers and churches, to be a part alike of ministerial duty and Christian obligation, which might not be neglected. And year after year, our hearts have rejoiced to hear of the signal success attending the labors of our Southern ministry in this direction. And while it is our painful duty to acknowledge, that the distractions incident to the sudden change recently made in their social status, produced a marked falling off in their attendance upon the preaching of our ministry,— such as, for a time, to awaken serious apprehensions, that the door of usefulness was closed to them; yet, there are evidences of returning confidence in our teachings, which afford encouragement to continue our labors for that people. We, therefore, urge our ministers not to be discouraged, but to redouble their efforts for usefulness in this field of labor.

[3] 1. *Resolved,* That the change in the social and domestic relations of our colored membership does not necessarily demand any change in their church relations.

2. *Resolved,* That we cherish an unabated interest in their spiritual welfare, and are in no wise disposed to withdraw from our oversight and sympathy in this particular.

3. *Resolved,* That we urge upon our ministry and membership the duty of increased attention to the religious instruction and improvement of our colored population, as the best means of fitting them for the duties and responsibilities of their new position.

[4] One thing particularly, I take the liberty to suggest: that is the proper religious instruction of those who were formerly our slaves. If this be not attended to at once; if it be not done liberally, speedily, and on a large scale, they will relapse into barbarism, perhaps cannibalism; and the land be filled with evils from which the imagination shrinks back in horror. If it be not done by *us,* it will be done by those alien, and to some extent hostile to us.

Organizing a Negro Church

I. T. Tichenor, *Work of the Southern Baptists Among the Negroes* (pamphlet). [1866]

IN the early days the work among [the negroes] was done by the white pastors and leading members of the church. A certain part of every Baptist house of worship was set apart for them and they received the same spiritual instruction, were received into the same church fellowship, were baptized by the same pastor and participated with the other members in the Lord's Supper and other acts of worship. . . And wherever one of their own color manifested gifts suitable for the edification of his people, such an one was encouraged to exercise these gifts. . . The old minutes show that Cæsar McLemore was not unfrequently elected by the brethren composing the Association to preach to a white congregation [in Montgomery] of many hundreds who assembled on Sunday. . . In 1845, when the Southern Baptist Convention was organized, . . in proportion to the population there were more negroes than white people who were members of our churches. . . It not unfrequently happened in places like Montgomery, Alabama, where I [I. T. Tichenor] was pastor during the last decade preceding the war, that a half dozen useful men would be so trained as to become voluntary missionaries to the people of their own color residing on the large plantations in the adjoining country. When the war closed the First Baptist Church in Montgomery had about 900 members — of these about 300 were whites and 600 negroes. In my ministration of 15 years in that church I baptized over 500 colored people to its fellowship. The colored part of the church had its regular pastor, its Board of Deacons, held its own conferences, received and disciplined its own members under the supervision of the pastor of the white church with the senior deacon as his assistant.

When a separation of the two bodies was deemed desirable it was done by the colored brethren in conference assembled, passing a resolution couched in the kindliest terms, suggesting the wisdom of the division, and asking the concurrence of the white church in such action. The white church cordially ap-

proved the movement, and the two bodies united in erecting a suitable house of worship for the colored brethren. Until it was finished they continued to occupy jointly with the white brethren their house of worship as they had done previous to this action. The new house was paid for in large measure by the white members of the church and individuals in the community. As soon as it was completed the colored church moved into it with its organization all perfected, their pastor, Board of Deacons, committees of all sorts, and the whole machinery of church life went into action without a jar. Similar things occurred in all the States of the South.

Negro Missions of the Southern Baptists

Reports of the Baptist Home Mission Band, 1866, 1868. For several years the several Southern churches endeavored to carry on mission work among the negroes. [1866, 1868]

A LARGE number of intelligent and pious missionaries have been employed [1866] to preach to the freedmen of the South. The colored people prefer white missionaries to those of their own color. This is owing in no small degree to the fact that white ministers are better qualified to instruct them, and this is what they need — good, sound, theological instruction. These people are greatly improving, and show signs of advancement. . . A large amount of earnest and faithful labor has been spent upon these missions during the year [1868]. . . Thirty churches have been constituted by our missionaries, twenty-four meeting-houses commenced, eleven finished, and mostly for the benefit of these people. Six hundred and eleven have been baptized and many converted through the labors of the missionaries, but baptized by others whom they were assisting.

Negroes Need Religious Instruction

Ball, *History of Clarke County, Alabama*, p. 591. Report of Bethel (Alabama) Association in 1858. Southern Baptists. [1868]

WE are of the opinion that a large majority of the colored people do not really desire the instruction of any white man; and we are equally as strongly impressed with the opinion that

the cause of this opposition or indisposition to receiving such instruction is a manifestation of their great need for such instruction, and furnishes a strong reason why it should be given whenever any number of them can be prevailed upon to hear. . . They are a lamentably ignorant people — so ignorant indeed as not even to know the value of proper instruction. . . But this indisposition on their part will be no vindication of our conduct, if we relax our efforts on that account to impart to them a knowledge of the gospel of Christ. When Paul and his co-laborers preached the gospel to the heathen, and they were indisposed to hear, and even persecuted them, they did not relax their efforts, and leave them to live and die in ignorance; but they labored on, until, under the blessing of God, wonders were wrought in reforming the world. . . "Let us not be weary" in this important work: "for we shall reap, if we faint not."

The colored man is ignorant, but this ignorance is not so much a fault as a misfortune — and while this ignorance is the greatest difficulty in the way of instructing him, yet instruction is the only thing that can remove it. As light is poured into the mind, ignorance will be dispelled, and the difficulty will be finally removed. Let every minister and intelligent layman do his whole duty in this matter, and we shall see good results in the end of our labors. But the colored man is not only ignorant, but he is superstitious and fanatical. The last traits of character are only the legitimate fruits of his ignorance. All ignorant people are superstitious and fanatical. Instruct them, and these evils will . . be modified.

And while we recognize the commission of the Lord Jesus to be as wide as the world, and would not utter a word against sending the gospel to the far off heathen, but rather urge it as a duty, yet we are of the opinion that our first duty is to give religious instruction to the ignorant and destitute at our doors and in our employ, and among whom we and our children are doomed to live and die.

The Southern Methodists and the Negroes

Annual Cyclopedia, 1865, p. 552; *1866*, p. 490. (1) Extract from the *Pastoral Letter* of the Bishops, August 17, 1865. (2) Extracts from the *Revised Discipline*, 1866. In 1866 the Southern Methodist Church still had seventy-eight thousand negro members, having lost about three hundred thousand in 1865-1866. [1865-1866]

[1] IN the change from slaves to freedmen which has providentially befallen the negroes of the Southern States, our obligations to promote the spiritual welfare have not ceased. We are still debtor to them free, as before to them bond. Under the Divine blessing, our Church has done a great work for this people. Their moral training, and generally diffused knowledge of the cardinal truths of Christianity, and their ecclesiastical discipline have justly won the admiration of many. . . It has accomplished more; it has materially contributed to their subordination and inoffensive behavior through the late defenseless and exciting times, when prophecies were confident and opportunities frequent for domestic insurrection. And their safe though sudden passage from a state of bondage to liberty, a transition accompanied by no violence or tumult on their part, is largely due to these causes.

Though often reviled while prosecuting the evangelization of the colored people by those who claim to be their better friends, the Southern Methodists have persevered in it, with blessed results. We might have done more, but we should be thankful to the grace of God that we have not done less. . . Multitudes have been saved, who will be our crown of glory in "that day." And that the good effects of our religious teachings bestowed upon them in bondage will follow the race into their new condition, and help to prepare them for it, is matter of pleasing reflection for us. Our numerous membership among them of over two hundred and forty thousand, exclusive of the congregations and catechumens who receive instruction from our pastors and missionaries, has been much reduced by recent changes and casualties. If it be still further reduced, you need not be surprised. Defections, doubtless, will take place from their ranks to churches offering greater social inducements for

their adhesion. If they elect to leave us, let them go with the assurance that as heretofore we have been, so we will continue to be, their friends, and in every suitable way aid their moral development and religious welfare.

[2] *Question.* What shall be done to promote the interests of the colored people?

Answer 1. Let our colored members be organized as separate pastoral charges wherever they prefer it and their number may justify it.

Ans. 2. Let each pastoral charge of colored members have its own quarterly conferences composed of official members, as provided in the discipline.

Ans. 3. Let colored persons be licensed to preach, and ordain deacons and elders, according to the discipline, when, in the judgment of the conferences having jurisdiction in the case, they are deemed suitable persons for said office and orders in the ministry.

Ans. 4. The bishop may form a district of colored charges and appoint to it a colored presiding elder when, in his judgment, the religious interests of the colored people require it.

Ans. 5. When it is judged advisable by the college of bishops, an annual conference of colored persons may be organized, to be presided over by some one of our bishops.

Ans. 6. When two or more annual conferences shall be formed, let our bishops advise and assist them in organizing a separate conference jurisdiction for themselves, if they do so desire it, and the bishops deem it expedient, in accordance with the doctrines and discipline of our Church, and having the same relation to this general conference as the annual conferences have to each other.

Ans. 7. Let special attention be given to Sunday Schools among the colored people.

5. WORK OF THE NORTHERN CHURCHES AMONG THE NEGROES

Why the Northern Churches Went South

Reports of the Freedmen's Aid Society, M. E. Church. The explanations given by various Northern churches are suggested in the following extracts. [1866, 1868, 1873]

[Bishop's Address, 1866] The emancipation of four millions of slaves has opened at our very door a wide field calling alike for missions and educational work.

It has devolved upon the Church a fearful responsibility. Religion and education alone can make freedom a blessing to them. The school must be planted by the side of the Church; the teacher must go along with the missionary. In no other way can our work reach its highest success among the Freedmen of the South. They claim this culture as immortal beings, at our hands. Without it their true position as members of society can never be attained. It is needful, that they may sustain proper domestic relations among themselves, and that their children may be saved from the blighting effects entailed by the system of slavery. It is indispensable to the highest and most permanent success of our mission work among them. And then, too, a consideration of vital importance to the Christian world, is the fact that from among themselves the ministers are to be raised up who shall conserve, carry forward, and make permanent the work of Christianizing and educating the race. . .

As a suitable channel through which the benefactions of our Church to this object may best reach their design, the Freedmen's Aid Society of the Methodist Episcopal Church has been organized. It is designed to co-operate with our missionary work in the South, and, in fact, a supplement to that work. There are openings to hundreds of teachers at this moment. Hundreds of teachers are ready to go. The means to send them are only wanting. . .

[1868] The South being thrown open to a loyal and liberty-loving ministry, Christians who had remembered those in bonds, who had prayed for, and in all proper ways labored for the overthrow of slavery, could carry or send to the millions degraded by it the means of mental and moral elevation. The Church, called to give the Gospel to every creature, must, if faithful to her trust, enter the open door, and use every efficient means to hasten the evangelization of the South. The school was found to be invaluable as an auxiliary to the missions among the Freedmen. They were everywhere found anxious to have the gospel preached to them by missionaries from the North, and to have Churches planted among them, but they were more anxious to have schools for themselves and their children.

The dawn of their freedom kindled within them a passion to learn to read and write, and a people whose incapacity to learn had been urged as a plea for their servitude, welcomed the teacher as first among their benefactors.

[1873] The Southern white people were unequal to it. They were themselves impoverished by the war to a degree of which most people can not have an adequate conception. . . Of the eight millions of white people in the South, nearly one-half were scarcely better educated than the blacks themselves. . . And still further, and perhaps worst of all, the state of mind among even the best classes of the Southern whites rendered them incapable of doing the required work. . . Men who have all their life-time known and considered the negroes as simply slaves, living machines, possessing as a race only the least and lowest rational and moral capabilities, could hardly be expected to have faith in their future as free men. And no fact is more clearly manifest than that the better class of educated Southerners have very little faith in the possibility of doing much for the colored people in their new condition, and this fact is itself a complete disqualification for elevating them. . . It is the result of a vitiated condition of the whole thinking of the people, arising from a false system which has insinuated its own falsehood into the whole intellectual and moral character of the people,

rendering them morally incapable of doing justice to the people whom they had so long persistently wronged. For this they are not now to be blamed, any further than all forms of moral deprivations, working their appropriate deprivations, render the characters in which they are found not the most excellent. At any rate, they are thus disqualified for the required work.

The American Missionary Association

House Report, no. 121, 41 Cong., 2 Sess., p. 50. Extract from minority report on the Howard investigation. This paper sums up the Southern objections to the work of the Association, which was supported by the Freedmen's Bureau. [1871]

AMONG the many agencies used by the [Freedmen's] bureau to carry out its objects in the Southern States, the American Missionary Society holds a prominent place. This society . . was incorporated by the State of New York "for the purposes of conducting missionary and educational operations, and diffusing a knowledge of the Holy Scriptures in the United States and other countries." . . Its chief office is in Boston, the president being the Rev. Dr. Kirk, of that city, and its treasurer, Mr. Edgar Ketcham, of New York, the counsel of General Howard before the committee of investigation, who resides in the latter-named city. The society is purely religious, and, . . confines itself to the support of the evangelistical churches. It has established agencies throughout the Union, but operates chiefly in the South. In almost every southern city its missionaries may be found in active co-operation with the officers and agents of the bureau and the freedmen's savings banks. It has established schools and religious societies there, nearly all of which are supported by the funds derived from this source. To further extend the area of its influence, it publishes a monthly periodical, called the "American Missionary." This is edited in the interests of Howard and the republican party, and in hostility to all other religious denominations but what it terms the "evangelistical." One of the apparent aims of this periodical is, to create animosities and hatreds in the heart of the poor colored man against white men amongst whom he lives.

"Working upon the Colored Population"

Ku Klux Report, Alabama testimony, p. 180. Testimony of Governor Robert Burns Lindsay, a Unionist, Conservative, born in Scotland. [1868-1871]

HE [Rev. A. S. Lakin of Ohio] and others came down there to work upon the colored population in order to get them to abandon their connection with the Methodist church conference South, and unite themselves with the Methodist conference North, assigning a variety of reasons why they should do so. I have been an eye-witness in our town to the feuds and disturbances that have arisen from these efforts. There are two churches there, and there is a very bitter feeling existing between the two sections of the church — the Northern Church and the Southern Church. . .

The Methodist Church [South] had established a system of colored churches in the South, and had licensed colored preachers, although slaves. Missionaries from the northern church . . came to the South, and used their influence and persuasion to divide the southern colored church, to induce the colored people to separate from the southern conference, and to unite with the Methodist Church North. . . There was a very signal instance of that in my own town. There are to-day two churches there, one belonging to the Methodist Church North and the other to the Methodist Church South. And the feud is still existing among them; . . These missionaries, in order to seduce them from their allegiance to the southern church, inspired them with a hate toward the people of the South, or endeavored to do so, alleging . . that the people of the South were their natural enemies. They went so far as to say that whenever the time should arrive that the democratic party would come into power they would put them back into slavery. They told them that they had better unite themselves with the northern church as a measure of safety, not only for their religious, but for their physical freedom. We consider them disturbers of the peace, as persons endeavoring to get up antagonisms between the races which would result in great injury both to the social and the material interests of the country. Whenever such a man came among us we endeavored to frown

him down. I never knew, however, of one being physically maltreated; personally I know of no instance of that kind. In fact, they have had wonderful liberties, and the people bore with them, I think, to a marvelous degree; to such a degree that I have no idea that a single community in the Northern States would for one moment permit a southern man to go there and express such opinions as they expressed in our midst and endeavor to get up a hostility between two classes of people.

Mistreatment of Northern Missionaries

Report of the Freedmen's Aid Society, M. E. Church, 1874. Extracts from letters. [1874]

WE are shut out from all white society, until it is a really a treat to have a white child speak to us. My wife has spoken to but two women since we came here, and that on business. . .

Bands of armed and masked men are prowling around nights, whipping some, and murdering others. Politicians, at a public meeting, have threatened our schools, and being isolated from every human protection, we are in great fear and peril. I have devoted the nights to watching, for the protection of life, and to guarding our buildings, against fire. To be for weeks in constant expectation of being murdered or burned out, and without losing faith in God, is something of a strain on the nerves.

Mr. ——, who assisted me last year, and two other white teachers who were teaching a short distance west of us, were allowed twenty-four hours to leave.

A Prophecy

Report of Freedmen's Aid Society, M. E. Church, 1875. An illustration of the feeling of the Northern missionaries. The Southerners claimed that such exhibitions were common. [1875]

O, ye Southern men. . . Do not strike another blow. You are vainly attempting to thwart the onward and majestic movements of God's providence. You are killing God's missionaries, and are binding Christ again to the Cross; these crimes, if continued, will admit of no expiation except that of bloodshed. It may be false, but there is a vision of fearful possibilities rising before us. . .

Is seen a black and calloused hand;
It seizes quick and flings abroad
A fire-brand.

Lurid skies appear; at morn, at eve the same;
Roofs of city and of village are aflame;
Gleaming brands and gleaming eyes — terrific glare;
Ashes in the sunny South are every-where.

Is seen a hand of blacker shade,
It seizes quick and wields in might
A crimson blade.

Women mad with dread, and with disheveled hair,
Screech murder! the bloody hand does not forbear;
Deeply craped and crimsoned now is all that's fair;
Hush! the mangled corse is lying every-where.

O'er the sunny land descends a lengthened night;
Tempest, cloud, and darkness thickly shroud the light.

. . . . . .

Nights must have an end. The sun at length doth rise,
Other scenes and visions gayly greet mine eyes;
Gleeful children, homes and lands enchanting fair;
Freedmen are enlightened, honored freemen there;
'T is now another race; forgotten are the dead;
Blessed is the sunny South; but fifty years are fled.

Discouragement

Report of the Freedmen's Aid Society, 1875, p. 70. From about 1874 to 1880 the Northern missionaries began to get discouraged and many of them returned to the North. [1875]

BUT, notwithstanding, only about one-half of the Methodist Churches of the land have taken the appointed collection for this cause the past year.

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The last reports of the American Missionary Society likewise implore the Churches for funds; but the Churches do not respond. Said the Boston Secretary the other day, "Many of our preachers decline to have the cause presented to our people. Dr. Kirk said to us, just before his death, that the Congregationalist pastors blocked the progress of this Southern missionary movement, and offered all manner of frivolous excuses when asked to have the cause presented to their people."

The scholars who have graduated from the schools under the management of that Society, and who are fully prepared to teach, and who have desired to consecrate themselves to this service, have been waiting to be set to work, but "hope deferred," says the report, "has driven many from their high purpose into secular employments, or worse, into a shiftless and discouraged idleness."

6. CONDITIONS IN THE NEGRO CHURCHES

A Negro Preacher Whipped

Transactions of Alabama Historical Society, vol. iv. Letter of William F. Samford of Alabama, 1866. [1866]

A NEGRO preacher . . went to Auburn [Alabama] from North Carolina — went in the interests of a Northern African Methodist Church organization. . . Four or five men in disguise went to his room one night last week, took him out to the woods, and gave him a severe whipping. . . The town council held a meeting to investigate the "outrage" with only this result: No trace could be found of the perpetrators of the deed. . . It is certain that the resident colored preachers of the Methodist Church South were greatly disgruntled by the appearance of Brother Alexander in the midst of their unsuspecting flock, pouncing like a hawk upon their chickens . . and taking off particularly the young pullets, or . . appropriating the young ewe lambs. They denounced him in public and private, and seemed determined to "hamsnoggle" him. It was [also] a complaint that he held meetings late o' nights, invited the rural laborers and created an excitement, which took them away from their duties, interfering with the prosperity of the neighboring crops, already bad enough. . . When he left here a delegation of his gentle disciples escorted the martyr to the railroad — not a man among them. . . The colored people do not espouse his cause. . . One of the first citizens of the town council informed me that the investigation left the impression on his mind that the whipping of the Rev. Mr. Alexander was done by negroes. I doubt it, but can find no evidence to settle the question.

Jealousy in Negro Churches

Wallace, *Carpet Bag Rule in Florida*, [1886], p. 226. [1872]

THIS [Florida, 1872] administration inaugurated a most alarming proposition among the freedmen, which came near

precipitating them into a war among themselves with reference to the representation in the legislature from the colored Methodist and Baptist Churches. The freedmen prior to the emancipation knew nothing of any other churches than the Missionary Baptist, Primitive or foot-washing Baptist, and the Methodist Episcopal; but at the close of the war the A. M. E. Church sent ministers from the North, the most of whom were men of intelligence, and these men enlisted some of the most intelligent of the freedmen under their banner as ministers. These ministers, discerning the scarcity of leaders among the freedmen, went into politics. . . The Freedmen who belonged to the Baptist Churches were taught that the members of the Methodist churches were cheating them out of a just representation and of their share of the offices; and that the Ring would see to it that the Baptist members should be elected to the Legislature. This teaching created church jealousy and great prejudice, which, in some counties, caused frequent rows, and but for the foresight and better judgment of the more intelligent ones in the churches, a general outbreak and bloodshed would have been the result among the colored churches.

A Persecuted Negro Church

C. H. Phillips, *Colored Methodist Episcopal Church*, p. 71. The C. M. E. Church was organized (1866-70) by the Southern Methodists for the seventy-eight thousand negro members who adhered to the white churches after 1866. [1866-1874]

No easy field lay before these consecrated men. The Church was in its infancy; it was maliciously misrepresented, wantonly maligned, and frequently calumniated by stronger religious denominations. The relation of our Church to the Methodist Episcopal Church, South, was the prolific cause of most of the misrepresentations that were heaped upon us. The Church was called a "Rebel Church," "Democratic Church," and "the Old Slavery Church." These were powerful weapons used against us, for the reason that our people were naturally credulous, especially concerning anything that might be said about those who had kept their forefathers in slavery for more than two centuries. Some were odiously inclined to the Church,

South; others refused social relations with those who in any way affiliated with that Church. Thus the credulity of the ignorant was played upon with ease, and they joined in the rabble cry: "Demolish the new Church!" — the "Democratic Church." . . Bishop Miles . . in January, 1873, says: . .

"We still have the political influence of the Methodist Episcopal Church and the African Methodist Episcopal Church to contend with. I wonder if they will never get tired of telling falsehoods on our Church. Through it all we have a right to thank the great Head of the Church that, notwithstanding all they say and do, we are yet on gaining ground."

Speaking [1873] of the African Methodist Episcopal brethren, he [Bishop Lane] said:

"I was pained to meet with some opposition from them. The minds of the people were prejudiced against us by reason of certain rumors put in circulation by some of our opposers. It would not be amiss to say that they charged us with being a "Democratic" Church, which every one who is acquainted with our organization and its operations knows is not true. They also charged us with being under the control of the Methodist Episcopal Church, South, which everybody knows is not true. The Church, South, controls its organization, and we control ours. At the same time, we are pleased to say (which is nothing but what truth and justice require) that the Methodist Episcopal Church, South, is very kind to us, and always greets us in Christian love and fellowship."

The Negro Episcopalians

Leigh, *Ten Years on a Georgia Plantation*, pp. 322, 328. The extracts are from the letters of Rev. J. W. Leigh, an English clergyman who worked among the blacks. [1873-1876]

[1873] I soon found that I had a very good class, many of whom seemed in earnest about the matter and attended regularly, and listened attentively to what I had to say. Owing to the good instruction that they had had for some years, I found a fair number of them knew the Catechism well, and seemed to understand the explanation of it also; answering,

indeed, with more intelligence, I must confess, than many agricultural young people who have been prepared by me in England. . .

The work has begun well, and there is every reason to look for good results. Hitherto the Anglican Episcopal Church has made but little progress amongst the colored people, and they have been left for the most part to the mercies of illiterate and often worthless Baptist preachers of their own colour. The Roman Catholic Church is beginning to make strenuous efforts for the conversion of the negroes, and the Anglican Church must not be behind in her efforts. If she succeeds, and I believe she will, notwithstanding the opposition that is raised against her by interested black Baptists, she will do more to civilize the negroes and to make good Christians and worthy citizens of them, than all the Fifteen Amendments, Civil Rights Bills, or Freedmen's Bureaus that have been passed or established for his supposed benefit. . .

[1876] If only churchmen in the North would co-operate with those in the South, and instead of quarrelling about civil rights would recognize the fact that there must always exist a line between the two races, and that a social intermixture can never take place and is not advisable, a great work might be done amongst these poor people. A vast mission field is ready in which to work, into which the plow has scarcely yet been put; labourers could be found to do the work if funds would be forthcoming. Churchmen in the South have but little money to spare, and what they have they require to rebuild their own churches, and to pay the salaries of their own ministers, which are low enough as it is. Churchmen in the North express a great affection for the African whom they have freed; they would do well to show their affection for him by taking some interest in his spiritual welfare. Up to this time he has been the tool of political agitators and the cat's paw of a party seeking power. He is very susceptible to good or bad influences; the latter in most cases having been brought to bear on him, it were about time that the former should be tried.

XI

SOCIAL AND INDUSTRIAL CONDITIONS DURING RECONSTRUCTION

INTRODUCTION

In their effect upon the political situation the social and economic conditions during Reconstruction were of the utmost importance. Among the whites the abnormal situation resulted in political restlessness that was mistaken by some in the North for fresh rebellion. Disfranchisement, loss of property, dread of the purposes of the negroes and their leaders, the spectre of social equality, the speeches of agitators, the demand for penitence in regard to the war — these resulted in a disturbed popular temper, and in a bitter dislike of Radicals, northern and southern, who in society and business were mercilessly ostracized. This ostracism caused the better class of the carpetbaggers and scalawags to fall away from the Radicals while the remaining ones associated more closely with the blacks.

Among the blacks there was a tendency toward division into classes — up-country and low-country negroes; mulattoes; the former servant class; artisans, teachers, and preachers. Pressure from outside tended to prevent this separation and to array the race as a whole against the whites. Criminality increased as the morality of the mass declined. Negro women began by refusing to work and ended by working more than the men. The death rate, especially of children, increased and disease became common.

One of the most potent causes of irritation between the races was the constant discussion, mainly for political

purposes, of the question of social rights for the negroes. Mixed marriages took place in several of the states which had laws favoring the mixing of the races, and these marriages invariably created ill feeling between the races. Politically the "equal rights" issue assisted in uniting the whites into one party. Socially Reconstruction unified the white race by breaking down barriers of wealth and class, and by alienating the races made the blacks dependent upon themselves.

In the industrial field, the white districts sooner recovered from the prostration following the war,[1] and, owing to the removal of slave labor competition, the building of railroads, the use of fertilizers, the development of mines, manufactures, and varied industries, and the rise of cities, these districts gradually took the place of the Black Belt as the productive part of the South. The white farmer could now raise Black Belt crops at less cost than the planter, notwithstanding the poverty of the soil in the white districts.

All plans for reorganizing the industrial system of the Black Belt failed wholly or in part, and the fertile lands were left mainly to negro tenants, who, if undirected, became indolent, unreliable, and unskilful. Domestic animals could not be kept because of thieves, and varied crops were no longer produced. Bad farming was the rule. The share and credit systems were gradually developed. Owing to the negro propensity for petty thievery the industrious members of the race found it difficult to accumulate savings. Many of the large plantations fell into the hands of absentee landlords. Carpetbag taxation was ruinous and enormous quantities of land were sold for taxes. But the large plantations did not break up into small farms.

1. For conditions after the war see also Chapter I.

At the close of Reconstruction, though all were hard pressed, the whites and blacks of the white districts were becoming independent; the planters had usually been ruined; the negro tenants in the Black Belt were living from hand to mouth; the whites were still on poor lands, and the thriftless blacks on the fertile lands.

The industrial effects of abolition, now to be seen in spite of the ruin of Reconstruction, had been to emancipate the mass of the whites and leave the mass of the blacks to their own efforts without direction. However, many exceptional blacks, especially in and near the towns, had accumulated some property.

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I. THE WHITES DURING RECONSTRUCTION[1]

A State of Mind

Mississippi Election of 1875, p. 1077. Statement of Reuben Davis, formerly member of U. S. Congress. [1875]

YOU took $16,000 of my cotton, and left me a beggar; I call that an act of oppression. You denied me the right to vote; I call that an act of oppression. You denied me the right to hold office; I call that an act of oppression. You refused to permit our state to be represented in Congress; . . I call that an act of oppression. . . You sent men here to organize these colored people for political purposes, and for your political good; and the men who came were the men that your people in the North would scarcely recognize as gentlemen at home, and they robbed us; I call that oppression. I call it oppression not to throw a little flower upon the grave of a southern soldier, which we have never failed to do upon the graves of northern soldiers in the South since the war ended.

I call it a manifestation of bitterness toward us in the general legislation which has been imposed upon the South, and which was intended for the South alone, although . . it was general on its face; but I have seen as many as four or five hundred men of my country taken before your Federal court, and when they got there the district attorney says, "Pay me the costs and I will dismiss the suit." We have been robbed of our substance that way; I call that oppression.

The Mountain Whites

Ku Klux Report, Alabama testimony, p. 207. Statement of Governor R. B. Lindsay, of Alabama. [1871]

THE people are better off in our mountain regions than they ever were at any time before. Their labor has been more remunerative; they perform their own work in the fields; they do not employ labor. Cotton selling at from $100 to $150

1. See also Chapter I.

a bale remunerates the man who does his own labor to the amount of three times. While it is advancing the comforts of the white laborer who cultivates his own lands, it is, to a certain extent, impoverishing the man who employs labor, simply because the expense of provisions, of implements, and of mules has all increased in a greater ratio than the increased price of cotton. For example, before the war you could buy bacon at 10 cents a pound; now you have to pay 22 cents; and the white man who labors in our section of the country raises his own meat. In other words, his expenses are increased, while the increase of the price of his products of labor are trebled.

Hence the people are more industrious, because their industry is better compensated. Being more industrious, there is more sobriety, more pride of character, more disposition to be kindly toward each other. Instead of those old-fashioned southwestern feuds and personal rencounters that took place before the war, you rarely ever hear of them now.

Fear of Negro Insurrection

House Misc. Doc., 41 Cong., 2 Sess., p. 482. Statement of a Democratic lawyer, state senator, Louisiana. [1869]

I MYSELF was on horseback for four nights in scouring that part of the country. After the death of this man Meadows [negro], the negroes assembled in large bodies and concocted a plan for the purpose of having an insurrection. This information I received from a negro man, who reported the facts, whose name I do not wish to state, because he came to me in confidence. The whole plan was concocted and the time was fixed, as he stated. The negroes were to meet in the town of Homer at a public meeting. They were all to come with arms and guns, and at a preconcerted signal, they were to rush into the stores and take possession of the guns and powder, and then commence an indiscriminate slaughter. This was the report of that colored man to the white people. So great was the fear of the white people that they kept a constant watch and look-out for four or five days. . .

It resulted from the death of this man Meadows. As was

reported, this man Meadows had held a meeting in the swamp. He had a great influence among the negroes. He was a controlling and leading man in the parish among the negroes. For some reason or other he had become offended at the white people, and had told the colored people at this meeting that now was the time to kill the white men and to take the white women for their wives. . . There was, of course, considerable apprehension among the white people, especially for the safety of the women and children.

Alarm among the Whites

Mississippi Election of 1875, p. 1701. Statement of General Garnett Andrews. [1875]

I WILL state that from this period up to the election and a short time after, I have never suffered such an amount of anguish and alarm in all my life. I have served through the whole war as a soldier in the army of Northern Virginia, and saw all of it; but I never did experience, at any period, including that time, the fear and alarm and sense of danger which I felt at that time. And this was the universal feeling among the population, among the white people. I think that both sides were alarmed and felt uneasy. It showed itself upon the countenance of the people; it made many of them sick. Men looked haggard and pale, after undergoing this sort of thing for six weeks or a month, and I have felt that when I laid down that neither myself, nor my wife and children were in safety. I expected, and honestly anticipated, and thought it highly probable, that I might be assassinated and my house set on fire at any time. . .

The colored race largely outnumbered the white population. In town they are about equal, nearly equal; in the country, though, in some places, they are twelve to one; in other places one hundred to one. In other places the majority is much less; nearly as many white people as colored people. But take the county over, the colored population is much larger than the white population; though the white population is increasing now, and has been for a year or two past, especially

in the hills. Yazoo City, however, is located in the swamp and surrounded by large plantations tenanted almost exclusively by colored people. . .

I believe that the whites were more alarmed than the colored people. I know I was badly frightened for the safety of myself and family. I felt genuine, honest alarm, and if I thought I had to go through again with that thing, if it was to be habitual that sort of trouble, I would leave the State. I had made up my mind once or twice to do it, to go away, and actually went to Virginia once to stay on account of the horrible condition of things in that country; and I might have gone away, and a great many people would have left the county, white people, this year if the same men had continued to rule there as they have ruled heretofore. It was insufferable.

"Thad. Stevens is Dead"

Planters' Banner, (Louisiana) August 15, 1868, in *House Misc. Doc. no. 154, 41 Cong., 2 Sess.*, p. 544. Illustrates the feeling of the whites at the time. [1868]

THAD. STEVENS IS DEAD. — The prayers of the righteous have at last removed the congressional curse! May old Brownlow, Butler, and all such political monsters, soon follow the example of their illustrious predecessor! May his new iron-works wean him from earth, and the fires of his new furnaces never go out! The devil will get on a big "bender" now. With Thad. Stevens in his cabinet and Butler in Washington, he can manage things in both kingdoms to his liking. Lucky Devil!

Social Ostracism of Republicans

Mississippi Election of 1875, p. 227. Statement of a Mississippi "scalawag." [1875]

THEY don't associate with my family, or the families of republicans. We have to make what little associations we have with ourselves. We are perfectly ostracised in every particular. A man who is a republican in our county must make up his mind to all sorts of ostracism. After election a man owed

me something, and he agreed to pay me a certain amount in corn each year; at the beginning of each month. The roads were very bad, and he goes to Robinson's and said, "I want you to let me have ten bushels of toll-corn on the first day of every month, and I will pay the corn back as soon as I can." He says "Yes; I would be glad to make that arrangement." And I sent for the first ten bushels of corn, and my son went there, and when he found out it was for me, he sent word: "I have taken an oath not to aid any leading radical for love or money, and I can not let you have any more corn for his benefit." . . They would not patronize me after that as a physician. Before this I had a tolerable respectable practice.

Social Conditions in 1875

Nordhoff, *Cotton States*, pp. 10, 55, 76, 96, 111. [1876]

THE Southern white population differs from ours in one or two important respects. . . There is a more marked distinction between the wealthy and the poor man than is commonly found in the North. The numerous class of poor white farmers are a kind of people unknown among us. Settled upon a thin and unfertile soil; long and constantly neglected before the war; living still in a backwoods country, and in true backwoods style, without schools, with few churches, and given to rude sports and a rude agriculture, they are a peculiar people. They have more good qualities than their wealthier neighbors, the planters, always allow them; but they are ignorant, easily prejudiced, and they have, since the war, lived in a dread of having social equality with the negro imposed upon them. This fear has bred hatred of the blacks, which has often, in former years, found expression in brutal acts, to which, I believe, in the majority of cases, they were instigated by bad men of a class above them. . .

What the Southern Republican too often requires is that the Southern Democrat should humiliate himself, and make penitent confession that slavery was a sin, that secession was wrong, and that the war was an inexcusable crime. . .

The Southern Republican seems to me unfair and unreason-

able in another way. They complain constantly that the Southern whites still admire and are faithful to their own leaders; and that they like to talk about the bravery of the South during the war, and about the great qualities of their leading men. There seems to me something childish, and even cowardly, in this complaint. The Southern man who fought and believed in it, would be a despicable being if he should now turn around and blacken the characters of his generals and political leaders, or if he should not think with pride of the feats of arms and of endurance of his side; or if, having been plundered by the Republicans since the war, he should fling up his hat for that party. . .

In the North we have heard so much about murders that I was very glad to get hold here of some parish statistics on this subject. The State government, which has almost entirely neglected to punish murderers — being too busily engaged in stealing — has, of course, no such official returns of crimes as it ought to possess. I have been able to obtain returns, chiefly made by the county clerks and coroners, from only 13 parishes. . . From 1868 to 1875 there have been in these 13 parishes 313 murders. Of these 93 were of whites by whites, 143 were of colored by colored, 28 were of whites by colored, 32 colored by whites, 3 colored by officers of justice, 5 colored by persons unknown, 7 whites by persons unknown, 5 whites by mobs, and 5 colored by mobs.

The State has 57 parishes. Most of the 13 of which I have given returns have a population nearly equally divided between white and black, and I suspect the figures give more than an average number of murders of whites by whites, and less than the average number of murders of blacks by blacks. . .

Life is not held sacred, as it is in the North. Everybody goes armed, and every trifling dispute is ended with the pistol. Nearly all the disorder and crime is caused by the lower order of whites and by negroes; for these latter have, it seems, generally taken up the habit of carrying arms, and in their quarrels among themselves use their pistol or knife freely. The

respectable people of the State do not discourage the practice of carrying arms as they should; they are astonishingly tolerant of acts which would arouse a Northern community to the utmost. . .

The Republican party of North Carolina[1] is composed of the great body of the negroes, and of a large mass of the poor whites in the western, or mountain, districts. But these small white farmers dislike the negro, whom they know little about, and are easily alarmed at the thought of social equality with him. The Democratic politicians very naturally worked upon their fears on this point, and thus found their best argument put into their hands by those Republican leaders in the North who insisted upon this measure [Civil Rights Bill]. . .

It is but just to add that, if the dread of "social equality" were likely to die out, this would be skillfully prevented by some leading Republicans, chief of whom is the Northern Methodist Bishop Haven, who has on several occasions openly declared himself in favor of "social equality," and who appears to me to have quite a genius for keeping alive a subject which naturally stirs up rancorous feelings, and which is best left to settle itself.

1. Conditions were similar in Georgia, Virginia, Tennessee, Arkansas and Alabama.

2. CONDITIONS AMONG THE NEGROES

Low Country and Up Country Negroes

Ku Klux Report, Georgia testimony, p. 306. Statement of Gen. John B. Gordon. [1871]

THOSE negroes upon the coast are very different from the negroes in Middle and Upper Georgia; they are almost an entirely different race of people. They are excessively ignorant. The intelligence of the negro in the middle and upper counties of Georgia is very much the same as the intelligence of the negro here or anywhere over the country. But in the southern portion of the State, where there is a large negro belt . . the negroes have absolutely a language of their own. If a negro from Washington were to talk with a negro from Atlanta, or the upper portion of Georgia, their language would be the same; they would use about the same words to express the same ideas. But it is not so on the coast. If a negro were transported from this city [Washington] to the coast of Georgia, he would not understand . . a great deal that many of the negroes of that coast would say. Their old masters, who grew up with them, do understand their language. . . It is different from the language of the negroes in any other portion of our State, or any other portion of the South, except along the Atlantic belt. . .

They have also a peculiar religion. I have attended what they call their religious meetings; and they have what they call "shouting." They say, "We are going to have a shouting tonight." If you staid outside when that shouting was going on, it would remind you very much of the accounts that we read of the worship of the howling dervishes. They sing, shout, take hold of hands, and go around dancing and jumping until one faints; then he is considered as "having religion." That is the style of worship not only in that portion of Georgia, but it is now extending up the State. I had a large plantation in Dougherty County, Georgia. [On my plantation in

Dougherty County] three years ago there was no such religion as this known. The negroes belonged to various churches; mainly the Baptist and Methodist. Those were the most popular churches among the negroes of Georgia. But now this particular religion which they call "shouting," has been imported up there, and ingrafted upon their style of worship. It is extending higher up in the State, and is gradually getting possession of all the negroes there. To carry on these exercises, they will sit up all night long, and sometimes many nights in succession; so that it is a source of very great annoyance to the planter who depends on their labor for his crops. . . It is a general thing on the coast, and is being introduced into the counties in Southwest Georgia, the cotton-growing counties of the State. . .

The races [up state] are more equally divided. On the coast, where the planter staid in the winter time only, the negroes scarcely ever saw a white person; but in the upper part of the State, where I was raised, the negro children and the white children have been in the habit of playing together. My companions, when I was being raised, were the negro boys that my father owned. We played marbles, rode oxen, went fishing, and broke colts together; a part of my fun was to play with those colored boys. The negro girls — those who were raised about the house — were raised very much as the white family was raised. They were raised in the family, and, of course, the intelligence of the family was extended, in some measure, to the negroes. The plantations there were nothing like so large as those on the coast. The white people lived on their plantations all the year round. The negroes mingled with them, and grew up into a very different class of people from those on the coast.

Feeling between Whites and Blacks

Ku Klux Report, (1) Georgia testimony, p. 833. Statement of C. W. Howard, a Georgia editor. Georgia was then getting under the control of the whites; (2) South Carolina testimony, p. 1430. [1871]

[1] THE negroes show their inherent vices, . . indolence,

theft, and sensuality. Before the war closed, when it was thought that the negroes would be emancipated, all of us apprehended a repetition of the scenes of San Domingo; but nothing of the kind has occurred. The negroes have been quiet and orderly, under very strong temptations to be otherwise; temptations not originating with themselves, but with a class of very bad men who came among them, and who endeavored to foster ill blood between the races for their own aggrandizement. But those men had little brains and less principle, and the negroes soon saw through them. If they had been like members of the *internationale*, or of the *commune* — earnest fanatics — I think they would have done much harm; but I think their power is [1871] very much at an end, and the result has been very different from what we feared. The negroes have been orderly and quiet, for the main part, to a wonderful degree. On the other hand, the conduct of the whites has been very different from what experience and analogy might have induced us to expect. Those people suddenly having been liberated, given the power to vote, to sit upon juries, and to hold office, it was very natural to suppose that the whites, as a mass, would have a feeling of the strongest animosity toward them. But it has not been so; and, as a general rule, (of course there are exceptional cases,) the two races, in their intercourse with each other, have acted in a manner which no former experience would have led us to anticipate. I think that the negroes generally are going to their old masters, and their old masters are treating them with kindness and even-handed justice. . .

[2] There were negro women there, I know two; one of them has been treated most kindly throughout her life by an old aunt of mine; she raised the cry, "Now is the time to burn," and a night or two after that the fire was set. She cried out, "Now is the time to burn." A number did that. I recollect one girl there who had been treated just as a white girl — a bright mulatto, and still living with her old owner to this day. No person suspected such a feeling in her. And she

said what *she would delight in would be to be in hell, to have a churn-paddle, and churn the whites to all eternity.*

Petty Crimes among the Blacks

Ku Klux Report, Alabama testimony, p. 230. Statement of Gen. James H. Clanton. [1871]

I THINK the average in our jail [in Montgomery County] is about forty blacks to three or five whites. Our law firm does almost all the criminal practice there; there are three of us in the firm. I am satisfied that in the State of Alabama there have been two white men shot by negroes where there has been one negro shot by a white man. . . I could safely say that there are two outrages by the blacks to one by the whites. We cannot raise a turkey, chicken, or a hog. Planters of Montgomery, who before the war used to raise bacon at 5 cents a pound, have actually had to kill their shoats, and in some instances, every sow they had, in consequence of the stealing by the negroes; and we now have to pay 25 cents for bacon. We dare not turn stock out at all. One man, within a mile of Montgomery, had either three out of five or five out of seven cows killed.

The Quadroons of Louisiana

Shreveport *Southwestern*, April 15, 1868, in *House Misc. Doc. no. 154. 41 Cong., 2 Sess.*, p. 127. The negro radical leaders throughout Reconstruction were mostly of mixed blood; the quadroons of Louisiana were a distinct class. [1868]

THE radicals, after using every effort to prevail on the quadroons of the State to vote for the constitution without much success, have turned against them, and are now denouncing them for everything that is bad. A radical . . thus writes about them:

"It is not extraordinary that the only danger to the ratification of this Louisiana constitution, which guarantees the fullest and most perfect equality, civil and political, and before the law, should come from colored men. Yet such is the fact. A pernicious and pestiferous class in this community, a fungus production of slavery, called quadroon society, puffed up with

the conceit of their heretofore anomalous condition, and fancying it really a condescension on their part to stoop to the colored race and own themselves a part of it, demanded as the price of their condescension all the offices, all the honors, and all the emoluments.

"This miserable quadroon faction, the emasculated offspring of lustful fathers and concubine mothers, have a record behind them sufficiently black to sink a nobler people beneath its accumulated infamy. They, as a class, were the most bitter and rampant secessionists in the South, and were the most resolute and implacable foes to the freedom of their own people, who were of their own flesh and blood. And they, as a class, to-day more bitterly deplore the liberation of the slaves than any other class. And was it in their power, no class would make greater sacrifice for or more exultantly rejoice over the restoration of slavery than themselves."

Blacks Do Not Like Mulattoes

Ku Klux Report, South Carolina testimony, p. 1433. [1871]

JIM WALLER, the county commissioner, a leading negro, says he will never vote for a mulatto again. . . A very excellent man, . . Loomis, a northern clergyman, came to Chester. He was a preacher and teacher from some society. He built them a church at his own expense, or at the expense of the society. He appeared to be an educated man. . . He devoted his time to teaching and preaching to the negroes, and built them a church; but they did not like him on the ground that he paid too much attention to the mulattoes; that in the schools he would make mulattoes hear the negroes' lessons, favoring the mulattoes. They would not go to hear him preach, or went very little, because he was white; but they would go to hear a negro, and I know there was a strong prejudice against him because he favored the mulattoes.

The Rights of Black Women

(1) *House Misc. Doc. no. 154, 41 Cong., 2 Sess.*, p. 288. In the early period of Reconstruction there was a tendency toward the emancipation of black women from the heavier work. It was not so at the close of the period. (2) *Ku Klux Report*, Alabama testimony, p. 445. Statement of P. M. Dox, a New Yorker. [1869]

[1] IT was reported that he was to meet the colored people at the house of the agent of the Freedmen's Bureau at midnight, and to make a speech to them. He did come, as we heard, and about two o'clock in the morning several hundred of those persons collected to hear him. He is reported to have advised them that when negro women were acting in the capacity of servants, their husbands should not allow them to do so any longer; that the white women must work for themselves; that the black women were not to act as washers, ironers, cooks; that their husbands ought to support them in the same style as white people of the same class support their wives, and a whole lot of stuff of that kind. I do not believe that Mr. Brewster made use of any such language. Still it had its effect, and the result was that a great many of those women actually quit their employment.

[2] In 1866 or 1867, I could not get my colored servant woman to milk my cow when it rained; she would not do it; she thought that thing was "played out," and that I must go and milk the cow myself. And, when there would be a guest at my house I could not get my servant to black his boots as the custom had been; I had to black them myself. Most of the menial service I performed at that time myself, because I had to do so.

"Proof of 'Publicanism"

Wallace, *Carpet Bag Rule in Florida*, p. 300. [1874]

AT Chattahoochee, in Gadsden county, Stearns and Martin had a cartload of guns brought to a public meeting to be used against Purman and his followers. They had fed the freedmen on so much bad whisky that they came near getting themselves killed. The freedmen became uncontrollable and commenced shooting indiscriminately in every direction, routing

Stearns, Martin and Purman,[1] and running them away from the meeting. Purman returned later in the evening and called a lot of colored women together, and after giving each of them some money, he said to them that he was a good "Publican," and wanted supper; and to further assure them that he was a good "Publican," told them that he did not want to sleep with any white person, but wanted to sleep with the blackest person in the neighborhood. John D. Harris, a Methodist preacher, was along as one of Purman's canvassers, and it looked as though he had been "dipped" three or four times, and so Purman selected him to sleep with. This action on the part of Purman had its desired effect, as most of the freedmen spoke out and declared him to be a good "Publican," and he had no more trouble in that part of the country.

Kissing Negro Babies for Votes

Wallace, *Carpet Bag Rule in Florida*, p. 63. [1868]

BILLINGS, now the candidate of his faction for Governor, began to stump the state. . . One freedman while on his dying bed, and conscious of his approaching death, gave the only five dollars he had to be sent to Saunders and Richards at Washington. . . Billings would hold his meetings on large plantations in the night time, so as to get all the old men and women out, as they generally controlled the younger class. In order to deeply impress the people with the justness of his cause and of his unblemished Republicanism, he would have all the little colored children brought out to the meetings, and would ask the name of each, and then take them up and kiss them. A little soap and water would not have done some of them any harm. When he would kiss the children you could hear on all sides from the freedmen words like these: "I will vote ebery day for that man." "I will die for that man." "That man is a good 'publican." Billings hearing these words would shout to them, "Jesus Christ was a Republican." So attached were these people to Billings that they introduced a sign among themselves which was the given name of Billings. When one

1. Carpetbag candidates.

wanted to know how the other stood to Billings, he would say "Liberty" and if the other was a Billings man he would answer "Liberty."

Social Ostracism of Negro Conservatives

House Report, no. 262, 43 Cong., 2 Sess., p. 295. Statements of Negro conservatives in Alabama. [1874]

WE wanted to give him time to speak and relate why he thought it was right to have a colored society and a white society; that a negro man could not keep his wife if he was a democrat; and a young colored woman of that society had to leave her husband if he was a democratic negro. The president of the society, his name was Treadwell, was an ex-member of the legislature; he lived in Opelika. . .

They had to make a pledge and pledge this: that any woman would leave her husband if he was a democrat, or a young woman would not marry a man if he was a democrat. . .

The preacher of the church . . belonged to the M. E. Church. He stopped the secretary from his office salary because he was a democrat, and stopped another man from being a deacon of the church because he was a democrat. He put it to a vote and silenced him from his membership.

After Ten Years of Freedom

National Republican, of Atlanta, Georgia, quoted in Nordhoff, *Cotton States*, p. 105. [1875]

WHAT is the record of ten years of freedom? In the matter of temperance has there been progress? Nay. In this respect the freedmen are a thousand per cent. worse off than they were in slavery. Rarely do we find a strictly temperate man. Very nearly all drink, in town and out, young men and old, and the women too. . . The freedmen of Georgia spend in a half year for liquor as much as they have paid for schools since emancipation. Is this a matter of which we should be proud? To whom is the infliction of this wrong due? What has been done for schools? A little money has been raised, but not a

hundredth, if a thousandth, part of what has been spent for tobacco, and shows, and shot-guns, and fines. One show here last Winter is said to have carried away $3,000 of the colored people's money — more than their voluntary contributions to schools in this city since 1865. In ten years not more than one in nine or ten has learned to read in this State; or out of 550,000 not more than 60,000 or 70,000; and these very largely through the aid of Northern missions. This year taxes will be paid on an aggregate of $7,000,000 of property, or less than $13 per head. This is the showing of a decade of freedom and fair opportunity. For it, in some measure, the whites may be responsible, but the responsibility lies chiefly with the people themselves. They have probably earned from $35,000,000 to $45,000,000 a year, and out of it should have saved a large percentage. But there has been improvidence and waste on every hand. Not quite, but very nearly, as poor and ignorant are the freedmen today as when emancipated; and their ignorance and their poverty quite as much as the "prejudice and hate" of the whites, serve to keep them where they are and what they are — hewers of wood and drawers of water.

3. THE "EQUAL RIGHTS" ISSUE

Equal Rights in Florida

Wallace, *Carpet Bag Rule in Florida*, p. 86. [1868]

FAILING to either intimidate or subsidize the Governor for their purposes of plunder, as a last alternative, the Osborn ring, under the lead of Speaker Stearns in the Assembly, and United States Marshal Wentworth in the Senate, determined to inaugurate a "war of races," and thus compel martial law, so that the Federal troops under the control of the marshal should have full sway. It was planned in secret counsel that before adjourning the Legislature bills should be passed to compel hotel keepers and railroad companies to receive and provide for negroes on the same terms as the whites, and thus place the Governor between two fires. If he approved the bills the whites would be provoked to violence, and if he vetoed them the freedmen would all be arrayed against him, and his impeachment would be made certain. Accordingly, two bills were framed and passed in the Assembly, making it a penal offense to exclude persons from equal privileges in hotels or on railroad cars on account of color. To avoid difficulty, the Governor called the Republican Senators in council at the executive office and explained the impossibility of maintaining civil administration with such aggravating legislation, and finally he declared he would not sanction it. The only response was the immediate passage of the bill and its immediate veto by the Governor. It was near the last day of the session; and after the final adjournment the negro population had assembled in the rotunda of the Capitol and unitedly denounced Governor Reed as a traitor, and then the plan of impeachment was perfected, to be carried out at the next session.

Equal Rights in South Carolina

Statutes at Large of South Carolina, vol. xiv, p. 386. This was the third of a series of equal rights statutes. A fourth act was passed in 1875 expanding section 1 of this act. [March, 1870]

WHEREAS, in this State the government is a democracy, the

people ruling, and the government is also a republican one, in which all things pertaining to the government are in common among all the people; and whereas, it follows that no person is entitled to special privileges, or to be preferred before any other person in public matters, but all persons are equal before the law; and whereas, these propositions lie at the very foundation of our policy, and the American people have embodied the same, in the most emphatic manner possible, in their organic and statute laws, and the same do by their sovereign will and pleasure sustain; and whereas, notwithstanding all these great and glorious facts, there are found some brutal, ill-disposed and lawless persons in the State who persist in denying and trampling upon the sacred rights of certain of the people; therefore,

Section 1. *Be it enacted,* . . It shall not be lawful for any common carrier, or any party or parties engaged in any business, calling or pursuit, for the carrying on of which a license or charter is required by any law, municipal, State or Federal, or by any public rule or regulations, to discriminate between persons on account of race, color or previous condition, who shall make lawful application for the benefit of such business, calling or pursuit.

Section 2. Whoever, being a common carrier, under any public license, charter, rule, or regulations, shall, by himself or another, wilfully assign any special quarters or accommodations whatever to any passenger or person whom such common carrier may have undertaken to carry, or who shall, under any pretense, deny or refuse to any person lawfully applying for the same, accommodation equal in every respect to that furnished by him to any other person, for like compensation or reward, in a like case, having no regard to the persons *per se* who may be applicants therefor, shall, on conviction, be punished by a fine of one thousand dollars, and also by confinement at hard labor in the penitentiary for five years; and if such fine be not paid, the convict shall be confined in the penitentiary at hard labor, as aforesaid, for not less than six years.

Section 3. Whoever, conducting or managing any theater, or other place of amusement or recreation, by whatever name the same may be recognized, or whatever called or known, if such theater or place be licensed or chartered, or be under any public rule or regulation whatever, shall wilfully make any discrimination against any person applying for accommodation in, or admission to, any such theater or place, on account of the race, color, or previous condition of the applicant, or shall refuse or deny to any person lawfully applying therefor, accommodation equal in every respect to that furnished at such place for a like reward to any other person, on account of race, color or previous condition of the applicant therefor, shall, on conviction, be punished by a fine of one thousand dollars, and also imprisonment at hard labor in the penitentiary for three years.

Section 4. Whoever, not being the principal offender under sections 2 and 3 of this act, shall aid or abet in or about the commission of any of the offenses therein mentioned, shall, on conviction, be punished by imprisonment at hard labor in the penitentiary for three years, and no such convict shall ever vote or hold any office under any law of this State. . .

Section 7. In every trial for violating any provisions of this act, when it shall be charged that any person has been refused or denied admission to, or due accommodation in, any of the places in this act mentioned, on account of the race, color, or previous condition of the applicant, and such applicant is a colored or black person, the burden shall be on the defendant party, or parties, so having refused or denied such admission or accommodation, to show that the same was not done in violation of this act. . .

Section 9. The several solicitors of this State are hereby specially charged to take care that this act be promptly and rigorously enforced; and every such solicitor who shall fail in any respect in the performance of his duty under the requirement in this section contained, shall be deemed to have committed a misfeasance in office, and, on conviction, shall forfeit his office, and be incapable of holding office for five years, and

shall also pay a fine of five hundred dollars; and, in every case in which any such solicitor shall fail in his duty, as herein prescribed, the Attorney-General shall make the most effective prosecution possible against him on the behalf of the State; and neither any solicitor nor the Attorney-General shall settle or enter a nol. pros. in any case arising under this act, except by the consent of the court.

Intermarriage of Races in Georgia

McPherson, *History of Reconstruction*, p. 474. Decision of the supreme court of Georgia. [1869]

HAVE white persons and persons of color the right under the constitution and laws of Georgia, to intermarry, and live together in this State as husband and wife? . . The Code of Georgia, as adopted by the new constitution, section 1707, forever prohibits the marriage relation between the two races, and declares all such marriages null and void. . . It is our duty to declare what the law is, not to make law. . . I do not hesitate to say that it was dictated by wise statesmanship, and has a broad and solid foundation in enlightened policy, sustained by sound reason and common sense. The amalgamation of the races is not only unnatural, but is always productive of deplorable results. Our daily observation shows us that the offspring of these unnatural connections are generally sickly and effeminate, and that they are inferior in physical development and strength to the full blood of either race. . .

Government has full power to regulate civil and political rights, and to give to each citizen of the State . . equal civil and equal political rights. . . But government has no power to regulate social status. Before the laws the Code of Georgia makes all citizens equal, without regard to race or color; but it does not create, nor does any law of the State attempt to enforce moral or social equality between the different races. . . Such equality does not in fact exist and never can. The God of nature made it otherwise, and no human law can produce it, and no human tribunal can enforce it. There are gradations and classes throughout the universe. From the tallest archangel in heaven down to the meanest reptile on earth moral and social inequalities exist, and must continue to exist throughout all eternity.

While the great mass of the conquering people . . have maintained in power those who demand that the people of the States lately in rebellion shall accord to the colored race equality of civil rights, including the ballot, with the same protection under the law which is offered the white race, they have neither required of us the practice of miscegenation, nor have they claimed for the colored race social equality with the white race. . . We have neither authorized nor legalized the marriage relation between the races, nor have we enacted laws or placed it in the power of the legislature hereafter to make laws regarding the social status, so as to compel our people to meet the colored race on terms of social equality. Such a state of things could never be desired by the thoughtful and reflecting portion of either race. It could never promote peace, quiet, or social order in any State or community. . .

We are of the opinion that the section of the Code which forbids intermarriage between the races is neither inconsistent with, nor is it repealed by, the section of the constitution now under consideration. It therefore stands upon the statute-book of the State forever prohibiting all such marriages, and declaring them to be *null* and *void*.

"Marrying a 'Nigger' School Marm"

Morgan, *Yazoo, or On the Picket Line of Freedom*, p. 342 *et seq.* Extracts from Morgan's account of a conversation with his brother. Morgan was sheriff of Yazoo County, Mississippi, after he had killed his predecessor. The note by Gerrit Smith seems to be of later date. [1873]

[To his brother] God willing, I am going to marry a 'Nigger' school Marm. . .

She is a wonderful creature, that girl of mine; never has been sick a day in her life! Never has taken a dose of any kind of medicine! Her breath is as pure and sweet as if it came off a bed of spring violets.

The first time I saw Carrie [the negro teacher] I lost my

head, banged if I didn't. It happened in this way: I was at Jackson on some business or other connected with the election. General Copeland invited me to visit that school with him; said he had something to show me better for the eyes than fine gold; ay, than many pearls. . . Advancing down the aisle to greet us, with the simple grace of an honest, blushing country girl, yet with all the dignity of a veritable queen, as I fancied, she welcomed us with a smile. . .

The battle was fought in this country when the rebellion collapsed at Appomattox. Garrison, Phillips, Lucretia Mott, Gerrit Smith, Sumner, and a small army of heroic souls have won all the honors. There is now no law in Mississippi standing between my betrothed and me. There are none now to forbid the banns. African slavery on this continent is dead. . .

More than a month ago I introduced into the Senate a bill repealing all the laws upon that subject, and five days afterward that bill, having passed both houses, was approved by the Governor. . .

Of late the old enemy have sort o' been . . getting very kind of sweet on me. They were slower getting to it in Yazoo than at certain points — where Miss —— lives, for example. The lady in question is one of the most brilliant and accomplished I ever met, a splendid woman, no mistake about that; but then — oh, well, they ar'n't of our kind by a long shot. That's all there is to it, and when I saw that my visits to her father's house were being misconstrued by the public, I got Carrie to accompany me to the House of Representatives one day during a recess of the Senate, and caused announcement to be made of our intended marriage. . .

Peterboro', Nov. 15.

COLONEL MORGAN:

My Dear Sir: In the midst of my preparations for going in the morning to the National Historical Society Convention at Syracuse, I received your deeply interesting and thrice welcome letter. I must not only acknowledge the receipt of it,

though it will be only in brief lines that I can do so. God be praised for bringing your enemies to be at peace with you! I am rejoiced to learn that kindness is shown you where you expected to have encountered hatred. You chose a sweet, loving-hearted girl for your wife, and she chose you for her husband. The result is a happy pair. But this is not the most important result. The most is its contributing largely to break down the unnatural and unchristian barriers between races. You and your dear wife have in this respect set a useful example before the world. I am happy to learn through you that your wife is "as well as usual." Mrs. Smith joins me in my regards to you. Your friend,

Gerrit Smith.

A Mixed Marriage at Port Gibson

Mississippi Election of 1875, p. 159. Two accounts, by whites. [1875]

[1] IN 1874 . . a saddle-colored member of the legislature, named Haskins Smith, married a young white girl named Ellen Smith, residing in Port Gibson. She ran off with him and was married, I think in Vicksburg. There was, of course, a good deal of talk, particularly among the lower class of people, about this thing of his marrying that girl. It created a good deal of excitement among them, but I think the more sensible people of the community concurred in the idea, that if she wanted to marry him it was her business; but among the riff-raff of the population there was a great deal of talk about injuring him in some way. . .

[2] The father of the girl was very much excited, and the mother has never recovered from the shock she received at the time. The father in that exasperated state of feeling proposed to kill the negro whenever he returned. He was a very good negro, and held in very good esteem by the white people. The negroes here, Haskins's friends, seeing him with a shot-gun, gathered around his hotel en masse. I saw myself the excited crowds that gathered there from day to day.

They were absent during all this time — the man and woman

who were married. The negroes made a great many threats, according to hearsay, but we paid no attention to them. On Sunday, about one week after the occurrence, the negro was brought back to the place by prominent negro leaders, among them the black coroner of our town, who is now in this jail, the leader of a gang which has been sent to the penitentiary for burglary. They went down with carriages to bring the negro back. The negro protested against it, saying he had outraged the feelings of the family, and preferred to remain where he was; but they took him by force and brought him into the village on a quiet Sunday with four or five young men armed, and they paraded our streets up and down, with this negro who had offended the feelings of this family in their midst; and then, not content with this, they followed our young ladies, and went to our graveyard where our parents are buried, and trod all around there, and marched back.

Sumner's Views on Equality

Annual Cyclopedia, 1871, p. 753. Letter in regard to colored convention to be held in South Carolina. [1871]

IN the first place, you must at all times insist upon your rights, and here I mean not only those already accorded, but others still denied, all of which are contained in equality before the law. Wherever the law supplies a rule, there you must insist upon equal rights. How much remains to be obtained you know too well in the experience of life. Can a respectable colored citizen travel on steamboats or railways, or public conveyances generally, without insult on account of color? Let Lieutenant-Governor Dunn, of Louisiana, describe his journey from New Orleans to Washington. Shut out from proper accommodations in the cars, the doors of the Senate Chamber opened to him, and there he found the equality a railroad conductor had denied. Let our excellent friend, Frederick Douglass, relate his melancholy experience, when, within sight of the executive mansion, he was thrust back from the dinner-table where his brother commissioners were already seated. . . I might ask the same question with regard to

hotels, and even common schools. An hotel is a legal institution, and so is a common school. As such each must be for the equal benefit of all. Now, can there be any exclusion from either on account of color? It is not enough to provide separate accommodations for colored citizens even if in all respects as good as those of other persons. . . The discrimination is an insult and a hindrance, and a bar, which not only destroys comfort and prevents equality, but weakens all other rights. The right to vote will have new security when your equal rights in public conveyances, hotels, and common schools, is at last established; but here you must insist for yourselves by speech, by petition, and by vote. . .

Among the cardinal objects in education which must be insisted on must be equality, side by side with the alphabet. It is in vain to teach equality if you do not practise it. It is in vain to recite the great words of the Declaration of Independence if you do not make them a living reality. What is lesson without example? As all are equal at the ballot-box, so must all be equal at the common school. Equality in the common school is the preparation for equality at the ballot-box; therefore do I put this among the essentials of education.

A Southern Definition of Equal Rights

Annual Cyclopedia, 1872, p. 142. Speech of Senator Hill, of Georgia. [1872]

I NEVER can agree . . that if there be a hotel for the entertainment of travellers, and two classes stop at it, and there is one dining-room for one class and one for another, served alike in all respects, with the same accommodations, the same attention to the guests, there is anything offensive, or anything that denies the civil rights of one more than the other. Nor do I hold that if you have public schools, and you give all the advantages of education to one class as you do to another, but keep them separate and apart, there is any denial of civil right in that. I also contend that even upon the railways of the country, if cars of equal comfort, convenience, and security, be provided for different classes of persons, no

one has a right to complain if it be a regulation of the companies to separate them. I go further, and I illustrate it by my own observation and experience: in the town in which I live the fact bears me out, that prior to the war the slave and his master worshipped in the same church, and were members of the same congregations; but on the motion of the former slave after the close of the war, and with appeals to his white friends to aid him, separate churches have been built for the special accommodation of the colored people, and today colored ministers in those churches serve colored congregations to the exclusion of white ministers. . . I take it that this is done because the colored people prefer having it so. . .

Now, sir, there is a radical difference between the Senator from Massachusetts [Sumner] and myself; it is irreconcilable. I never can see this as the Senator sees it.

Political Effects of Civil Rights Agitation

Nordhoff, *Cotton States*, p. 91. [1875]

THE agitation of the Congressional Civil Rights Bill did more, even, than Republican misrule, to give the State [Alabama] to the Democrats last fall [1874]. Alabama has a large population of whites — small farmers collected in the northern counties, where there are but few negroes. These people, who had pretty generally voted the Republican ticket in previous years, became alarmed at the prospect of "negro equality," . . and last fall, under the representations of adroit and earnest Democratic speakers, they went over in a body to the Democratic party. The passage [1875] of the absurd Civil Rights Bill by Congress has probably allayed their fears, because it is now found to be substantially a dead letter. The blacks do not attempt to have it enforced, and it is probable that its only use will be to annoy the Republicans in the Northern States, and in regions South where there are but few negroes and where the Democrats propose to arouse the race prejudice by hiring negroes to board at hotels, and to otherwise insist on the enforcement of the law during the next year's canvass.

Civil Rights Act, 1875

Statutes at Large, vol. xviii, p. 335. [March 1, 1875]

WHEREAS, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Be it enacted, . . That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Sec. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty

in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

Sec. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party; and the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorney shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided,* That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall wilfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars: *And provided further,* That a judgment for the penalty in favor of the party aggrieved against any district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

Sec. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified

for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other persons charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

Sec. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

4. ATTEMPTS AT INDUSTRIAL REORGANIZATION [1]

A Plan of Industrial Reorganization

Trowbridge, *The South*, p. 431. Extracts from the constitution of the Monroe County (Alabama) Agricultural Association, 1865. Adopted by other counties of southeast Alabama. [1865]

ARTICLE 6th. It shall be the duty of the Executive Committee to look after the welfare of the freedmen, in their respective beats, to inspect and sanction each and every contract made between freedmen and their employers, and to see that said freedmen are not deceived or overreached in any contract made with the employer. . . And when any contract, as aforesaid, shall be fairly and understandingly made, it shall be the law between the parties thereto, and when any difficulty arises between any freedman and his white employer, relative to the construction or performance of any contract, said committeeman may act as arbitrator between the parties, and his decision shall be final, unless one or both of the parties desire an appeal. . .

Art. 8th. It shall be the duty of all the officers of this Association, to see that the freedman shall receive from his employer his wages or earnings, and in case such employer refuses to pay promptly such wages and earnings, to aid the freedman by their full power in the collection of the same.

Art. 9th. It shall also be the duty of this Association, and particularly the officers thereof, to see that the freedman shall comply with his contracts with his employer unless he can show some good or reasonable excuse for the non-performance.

Art. 13th. It shall be the duty of the said Association to provide a home for the aged and helpless freedmen of the county, and for such others as are unable to make an honest support, and to see that they are provided with the necessaries of life,— to devise ways and means for their permanent relief and support.

1. See also Chapter I.

Art. 15th. It shall be the duty of this Association, and all the officers thereof, to favor, as much as possible, the education and schooling of the colored children in said county, and to aid in devising ways and means, and making arrangements for having said children properly taught and their general morals taken care of.

To Encourage Immigration

Statutes at Large of South Carolina, vol. xiii, p. 380. The Southern provisional governments (1865-1867) made strong efforts to attract white immigrants to the South, but without success. [December 20, 1866]

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of encouraging, promoting and protecting European immigration to and in this State, the sum of ten thousand dollars be appropriated from the contingent fund, to be expended under the direction of the Government, for the purposes and in the manner hereinafter provided.

II. That the Governor, by and with the advice and consent of the Senate, shall appoint a Commissioner of Immigration, who shall open an office in the fire-proof building in Charleston, to perform such duties as may appertain to his office, and shall be paid for his services the salary of fifteen hundred dollars per annum out of the fund aforesaid, in quarterly payments.

III. That it shall be the duty of said Commissioner of Immigration to advertise in all the gazettes of the State for lands for sale; to cause such lands, after having been duly laid off, platted and described, at the expense of the owner or owners of said lands, to be appraised by three disinterested persons, and their titles to be examined by the Attorney General or Solicitors of the State, and endorsed by them, as the case may be; to open a book or books for the registry of the same, together with the price demanded and the conditions of payment. And in case such lands be selected by any immigrant, to superintend the transfer of title and other necessary instruments and proceedings of conveyance.

IV. That the said Commissioner shall periodically publish, advertise and cause to be distributed in the Northern and European ports and states, descriptive lists of such lands as have been registered and offered for sale, together with this Act, and a statement of such advantages as this State offers in soil, climate, productions, social improvements, etc., to the industrious, orderly and frugal European immigrant.

The Effects of Emancipation

Report of Joint Committee on Reconstruction, part IV, p. 135. Statement of J. D. B. DeBow, editor of *DeBow's Review*. [1866]

If we can get the same amount of labor from the same persons [negroes], there is no doubt of the result in respect to *economy*. Whether the same amount of labor can be obtained, it is too soon yet to decide. We must allow one summer to pass first. They are working now very well on the plantations. . . The negro women are not disposed to field work as they formerly were, and I think there will be less work from them in the future than there has been in the past. The men are rather inclined to get their wives in[to] other employment, and I think that will be the constant tendency, just as it is with the whites. Therefore, the real number of agricultural laborers will be reduced. I have no idea the efficiency of those who work will be increased. If we can only keep up their efficiency to the standard before the war, it will be better for the south, without doubt, upon the mere money question, because it is cheaper to hire the negro than to own him. Now a plantation can be worked without any outlay of capital by hiring the negro and hiring the plantation.

Beginning with Free Negro Labor

Leigh, *Ten Years on a Georgia Plantation*, pp. 13, 24, 53, 55, 113. Miss Frances Butler (Mrs. Leigh) was the daughter of Fanny Kemble Butler. For several years after the war she managed a plantation on the Georgia coast. Extracts from letters. [1866]

They received him [my father] very affectionately, and made an agreement with him to work for one half the crop. . . Owing to our coming so late, only a small crop could be planted,

enough to make seed for another year and clear expenses. . . Most of the finest plantations were lying idle for want of hands to work them, so many of the negroes had died; 17,000 deaths were recorded by the Freedmen's Bureau alone. Many had been taken to the South-west, and others preferred hanging about the towns, making a few dollars now and then, to working regularly on the plantations; so most people found it impossible to get any labourers. . .

The negroes seem perfectly happy at getting back to the old place and having us there, and I have been deeply touched by many instances of devotion on their part. . .

The prospect of getting in the crop did not grow more promising as time went on. The negroes talked a great deal about their desire and intention to work for us, but their idea of work, unaided by the stern law of necessity, is very vague, some of them working only half a day and some even less. I don't think one does a really honest full day's work, and so of course not half the necessary amount is done and I am afraid never will be again. . . They are affectionate and often trustworthy and honest, but so hopelessly lazy as to be almost worthless as labourers.

My father was quite encouraged at first, the people seemed so willing to work and said so much about their intention of doing so; but not many days after they started he came in quite disheartened, saying that half the hands had left the fields at one o'clock and the rest by three o'clock, and this just at our busiest time. Half a day's work will keep them from starving, but won't raise a crop. Our contract with them is for half the crop; that is, one half to be divided among them, according to each man's rate of work, we letting them have in the meantime necessary food, clothing, and money. . . If we paid them wages, the first five dollars they made would have seemed like so large a sum to them, that they would have imagined their fortunes made and refused to work any more. . . They told us, when they missed working two or three days a week, that they were losers by it as well as ourselves, half the crop being theirs. . . They were quite convinced

that if six days' work would raise a whole crop, three days' work would raise half a one, with which they as partners were satisfied, and so it seemed as if we should have to be too. . .

The people seem to me working fairly well, but Major D——, used only to Northern labour, is in despair, and says they don't do more than half a day's work, and that he has often to go from house to house to drive them out to work, and then has to sit under a tree in the field to see they don't run away.

A Mr. G—— from New York has bought Canon's Point, and is going to the greatest expense to stock it with mules and farming implements of all sorts, insisting upon it that we Southerners don't know how to manage our own places or negroes, and he will show us. . .

[The history of Canon's Point is as follows. Mr. G—— having started by putting the negroes on regular wages expecting them to do regular work in return, and not being at all prepared to go through the lengthy conversations and explanations which they required, utterly failed in his attempt either to manage the negroes or to get any work out of them. Some ran off, some turned sulky, and some stayed and did about half the work. So that at the end of two years he gave the place up in perfect disgust, a little to our amusement, as he had been so sure, like many another Northern man, that all the negroes wanted was regular work and regular wages, overlooking entirely the character of the people he was dealing with, who required a different treatment every day almost; sometimes coaxing, sometimes scolding, sometimes punishing, sometimes indulging, and always, unlimited patience. After Mr. G—— failed in his management of the negroes he gave the place up, leaving an agent there merely to keep possession of the property. This man in turn moved off, leaving about fifty negro families in undisputed possession, who two years later were driven off by a new tenant who undertook to charge them high rent for their land; and it is now finally in the hands of a Western farmer and his son, who told my husband last winter that they were delighted with the place and climate,

but had not learned to manage the negroes yet, as when he scolded them they got scared and ran off, and when he did not they would not work. . .[1]

On both places the work is done on the old system, by task. We tried working by the day, indeed I think we were obliged to do so by the agent of the Freedmen's Bureau, to whom all our contracts had to be submitted, but we found it did not answer at all, the negroes themselves begging to be allowed to go back to the old task system. One man indignantly asked Major D—— what the use of being free was, if he had to work harder than when he was a slave. . .

In all other ways the work went on just as it did in old times. The force, of about three hundred, was divided into gangs, each working under a head man — the old negro drivers, who are now called captains, out of compliment to the changed times. These men make a return of the work each night. . . To make them do odd jobs was hopeless, as I found when I got some hands from Butler's Island, and tried to make them clear up the grounds about the house, cut the undergrowth and make a garden. Unless I stayed on the spot all the time, the insant I disappeared they disappeared as well. . . I set a man to churn some butter. After leaving him for a few moments, I returned to find him sitting on the floor with the churn between his legs, turning the handle slowly, about once a minute. "Cato," I exclaimed, "that will never do. You must turn just as fast as ever you can to make butter!" Looking up very gravely, he replied, "Missus, in dis country de butter must be coaxed; der no good to hurry." And I generally found that if I wanted a thing done I first had to tell the negroes to do it, then show them how, and finally do it myself. . . They always were perfectly good-tempered, and received my orders with, "Dat's so, missus; just as missus says," and then always somehow or other left the thing undone. . .

I have had a good deal of trouble this last week with my people — not serious, but desperately wearisome. They are the most extraordinary creatures, and the mixture of leniency

1. Mrs. Leigh's note, date of 1882.

and severity which it is requisite to exercise in order to manage them is beyond belief. Each thing is explained satisfactorily to them and they go to work. Suddenly some one, usually the most stupid, starts an idea that perhaps by-and-by they may be expected to do a little more work, or be deprived of some privilege; upon which the whole field gets in the most excited state, they put down their hoes and come up to the house for another explanation, which lasts till the same thing happens again.

Making Contracts with Negroes

Leigh, *Ten Years on a Georgia Plantation*, pp. 86-127 *passim*. Extracts from letters. For several years after the war contracts were required by the Freedmen's Bureau. Verbal agreements have since been the rule. [1867, 1868]

NOT one signed the contract without a long argument on the subject, most of them refusing to sign at all, though they all assured me they wished to work for me as long "as de Lord spared dem." I knew, however, too well, that this simply meant that they were willing to continue to live on St. Simon's as long as the Lord spared them, but not to work, so I was firm, and said, "No, you must sign or go away." So one by one, with groans and sighs they put their marks down opposite to their names. . .

The next morning at ten, I had the big mill bell rung to summon the people here to sign the contract, and then my work began in earnest. For six mortal hours I sat in the office without once leaving my chair, while the people poured in and poured out, each one with long explanations, objections, and demonstrations. I saw that even those who came fully intending to sign would have their say, so after interrupting one man and having him say gravely, " 'Top, missus, don't cut my discourse," I sat in a state of dogged patience and let everyone have his talk out, reading the contract over and over again as each one asked for it, answering their many questions and meeting their many objections as best I could. One wanted this altered in the contract, and another that. One was willing to work in the mill but not in the field. Several would not

agree to sign unless I promised to give them the whole of Saturday for a holiday. Others . . would "work for me till they died," but would put their hand to no paper. And so it went on all day, each one "making me sensible," as he called it.

But I was immovable. "No, they must sign the contract as it stood." "No, I could not have anyone work without signing." "No, they must work six days and rest on Sunday," &c., &c. Till at last six o'clock in the evening came and I closed the books with sixty-two names down, which was a good deal of a triumph as my agent told me he feared none would sign the contract, they were so dissatisfied with last year's settlement. .

Tuesday and Wednesday my stragglers came dropping in, the last man arriving under a large cotton umbrella, very defiant that he would not sign unless he could have Saturday for a holiday. "Five days I'll work, but . . I works for no man on Saturday." "Then," said I, "William, I am sorry, but you can't work for me, for any man who works for me *must* work on Saturday." "Good morning, den, missus," says my man, with another flourish of the umbrella, and departs. About an hour afterwards he returned, much subdued, with the umbrella shut, which I thought a good sign, and informed me that after "much consideration wid himself," he had returned to sign. . .

They are prepared again to make their own, and different, terms for next year, but except for the bother and trouble I don't feel very anxious about it, for we have a gang of Irishmen doing the banking and ditching, which the negroes utterly refuse to do any more at all, and therefore, until the planting begins, we can do without the negro labour.

The First Pay Day on a Plantation

Leigh, *Ten Years on a Georgia Plantation*, p. 74. [1867]

MY father had given each negro a little pass-book, in which had been entered from time to time the food, clothing, and money which each had received from him on account. Of these little books there were over three hundred, which repre-

sented their debits; then there was the large plantation ledger, in which an account of the work each man had . . done every day for nearly two years, had been entered, which represented their credits. . .

Night after night, when the day's work was over, I sat up till two and three o'clock in the morning, going over and over the long lines of figures, and by degrees got them pretty straight. I might have saved myself the trouble. Not one negro understood it a bit, but all were quite convinced they had been cheated, most of them thinking that each man was entitled to half the crop. I was so anxious they should understand and see they had been fairly dealt with, that I went over and over again each man's account with him, and would begin, "Well, Jack, . . you got on such a date ten yards of homespun from your master." "Yes, missus, massa gave me dat." "Then on such and such a day you had ten dollars." "Yes, missus, dat so." And so on to the end of their debits, all of which they acknowledged as just at once. . . When all these items were named and agreed to, I read the total amount, and then turned to the work account. And here the trouble began, every man insisting upon it that he had not missed one day in the whole two years, and had done full work each day. So after endless discussions, which always ended just where they began, I paid them the money due to them, which was always received with the same remark, "Well, well, work for massa two whole years, and only get dis much." Finding that their faith in my father's justice never wavered, I repeated and repeated and repeated, "But I am paying you from your master's own books and accounts." But the answer was always the same, "No, no, missus, massa not treat us so." Neither, oddly enough, did they seem to think I wished to cheat them, but that I was powerless to help matters, one man saying to me one day, "You see, missus, a woman ain't much 'count." I learned very soon how useless all attempts at "making them sensible" . . were, and after a time, used to pay them their wages and tell them to be off, without allowing any of the lengthy arguments and discourses over their payments they

wished to indulge in, often more, I think, with an idea of asserting their independence and dignity, than from any real belief that they were not properly paid.

Their love for, and belief in my father, was beyond expression, and made me love them more than I can say. . .

Notwithstanding their dissatisfaction at the settlement, six thousand dollars was paid out among them, many getting as much as two or three hundred apiece. The result was that a number of them left me and bought land of their own. . . The land they bought, and paid forty, fifty dollars and even more for an acre, was either within the town limits, for which they got no titles, and from which they were soon turned off, or out in the pine woods, where the land was so poor they could not raise a peck of corn to the acre. These lands were sold to them by a common class of men, principally small shopkeepers and Jews (the gentlemen refusing to sell their land to the negroes, although they occasionally rented it to them), and most frightfully cheated the poor people were. But they had got their land, and were building their little log cabins on it, fully believing that they were to live on their property and incomes the rest of their lives.

The Land Question in Virginia

Robert Somers, *The Southern States*, p. 21. Somers was an Englishman. He traveled through the South investigating economic conditions. [1871]

THE first question asked of a stranger is whether he has come to look at land. I was not three minutes in Richmond till a pushing Irishman offered to sell me a very fine milch cow and calf on the spot, or tell me where I could get a nice bit of land on very economical terms. But the stranger who is landward-bound is not left to such chance means of information. There are dozens of respectable estate-agents, every one of whom has lists of farms and estates for sale which he advertises in the newspapers, and offers in fee-simple at a rate per acre that in England or Scotland, or even Ireland, would be deemed but a moderate annual rent, and payment of which

he is willing to take in cash just enough to pay the expenses of suit, with the balance in instalments spread over three or four years. Every one of them states in private that he has even more lands on his lists for sale than he advertises. Nor is this all. The State of Virginia has appointed a board of emigration . . whose sole object is to guide and assist, by every kindly office, persons from abroad wishing to invest a little capital and settle on the soil of Virginia. I might fill pages with a description of farms and plantations and lots, large and small, of land that are thus on the market. . .

To understand the avalanche of land bargains at present in Virginia, one has to remember that before the War the land was owned chiefly by slaveholders, who had large estates which they never fully cultivated, but on which they shifted their crops about from one place to another, and who, finding themselves with plenty of money and little trouble under this system, allowed their overseers and slave-dealers to settle all the hard matters between them. At the close of the war, when the slaves became free, it is easy to perceive that with no means left to cultivate such large tracts of land under the new conditions, it became a necessity, as well as the best thing that the owners could do, to sell large portions of their estates, and to retain just as much as they had capital and labour to cultivate; and this they have done and are doing to some extent. In some cases, proprietors, not rich save in land before the war, have since become embarrassed, and, falling into debt and arrears of taxes, have had decrees passed against them in the courts, under which sales were ordered to proceed. There have been instances also of gentlemen "slain in battle," or driven from the country, or flying from it in despair, and of every form of vicissitude and ruin that follows in the train of war and social revolution. The consequence is that a large proportion of the landed property of a great and long-settled State is literally going a-begging for people to come and take it. The like has seldom been seen before.

5. CONDITIONS IN THE BLACK BELT AND IN THE WHITE DISTRICTS

"Enjoying Freedom to its Fullest Extent"

Mrs. V. V. Clayton, *White and Black under the Old Regime*, p. 172. Copyright 1899. Used by permission of Mrs. Clayton. Such experiences were so common as almost to be the rule after 1865. [1865]

AFTER Emancipation, Lewis remained with us many years. His home was only a short distance from our home. He cultivated a farm successfully, and soon had acquired not only the necessaries of life, but some luxuries. He had a pair of nice horses, a buggy and wagon, and other things, and lived well; but he had never known freedom entirely without Mars' Henry's supervision. One day he came to the conclusion that he would move away and enjoy freedom to its fullest extent. He came to see Mr. Clayton in the fall to say something about it. He seemed embarrassed when Mr. Clayton addressed him: "Lewis, what is it you want?" "Well, Mars' Henry, I want to move away and feel ontirely free and see whut I cen do by mysef. You has been kind to me and I has done well, but I want to go anyhow." Mr. Clayton said, "Very well, Lewis, that is all right, move when you please; but when you leave, nail up the door of your house and leave it until you want to come back. No one shall go into it."

Lewis and his brother, Ned, rented a farm some miles beyond Clayton, moved, and we heard no more of them until the next fall, when Lewis made his appearance, very much dejected. Mr. Clayton said, "How are you, Lewis? How are you getting on?" "Bad, Mars' Henry. I have come to ask ef I cen go into my house again."

Lewis and Ned had hired hands, gotten a merchant to furnish them, and lost almost everything they had started out with. Lewis moved back, and has been loth to leave the Claytons since, and is now with us, an old man. Ned died very soon after with pneumonia. His wife, Betsy, soon followed him to the grave. She had consumption, something almost

unheard of with the colored people when slavery existed, but which is now a common disorder with them.

Conditions in 1870

Transactions Alabama Historical Society, vol. iv. Letter of William F. Samford. [1870]

WE are to-day . . poorer than we were on the day of the surrender of the Southern armies. Our carpetbaggers and nigger scalawags have imposed intolerable taxation upon a people already crushed to the earth. A deep and sullen gloom is settling upon the Southern heart. Twelve cents for cotton and twenty-five cents for bacon and one hundred and fifty dollars and rations for a negro idler;— for laborer he will not be — winds up the plantation business. Why don't we raise hogs and make our own bacon? Why a hog has no more chance to live among these thieving negro farmers than a juney bug in a gang of puddle ducks. . . All this great staple producing region is essentially upon the sheriff's block.

Negro Opposition to Immigration

J. S. Pike, *Prostrate State*, p. 55. South Carolina in 1871. [1871]

AND so in the matter of immigration. The material interests of the State clearly demand it. But the blacks are against it, as they fear its political consequences. A late debate in the Senate illustrated this. A bill was up to exempt new railroad enterprises and various enumerated kinds of manufactures from taxation. A black leader debated it, and in the course of his remarks took occasion to say he had heard, or overheard, a good deal from the class of people whom this legislation was designed to benefit; that it was intended to overslaugh and crowd out the blacks by foreign immigrants, to be introduced into the State by wholesale. Now, he wanted everybody to understand that the blacks did not intend to be crowded out, but that they proposed to stand their ground and, "fight this thing out to the bitter end." He said they might bring on their immigrants, and they would find the blacks ready for them.

The Emancipation of White Labor

Somers, *The Southern States*, pp. 117, 272. [1871]

ACRE for acre under cultivation, the Valley of the Tennessee yields now [1871] a smaller quantity of cotton than in slavery times, while there are obviously large tracts once cultivated now wild and in a state of rest and neglect. . . The hilly districts have long been occupied by a poor white population, who have always produced more or less cotton. But the high value to which cotton was raised by the war, and the "labour difficulty" of the large plantations, have inspired them with new hope, life, and industry; and this class of growers have swelled considerably of late years the deliveries of cotton at the railway depots. . . The extent to which they raise their own crop by the labour of their own families renders the *per contra* of cost less distinct to them than to the large planters. They gin and bale their produce at common[1] gin-houses; they spin and weave their own cloth; nourish their cows and hogs; and, when the seasons are favorable, succeed in raising a fair stand of cotton. There never have been better or larger crops of cotton in the hill districts than in this season. These small hill farmers come down occasionally into the plain, looking for land to rent or buy; and it is not improbable that many of the better and more industrious class of families in "the mountains," as the gently swelling uplands are called, will eventually come down altogether, and help to renovate the waste places, and build up the agricultural prosperity of the valley.

I hold it, from observation as well as testimony, to be certain that the larger proportion of the annual expansions of the cotton crop since the war is due to the energy, on small farms, in gardens, and on crops taken on waste and unoccupied plantations, of white labour. Some few of the negroes no doubt contribute independently to this small-farm movement; but the *ad captandum* mode of arguing the superior efficiency of free negro labour — viz. that so many negroes perished in

1. Community or public gin-house as distinguished from a plantation or private ginnery.

the war, that negro women do not now work in the field, that negro children are now put to school, and that nevertheless the crop being all but equal to what it was under slavery, it follows that the negroes free must produce greatly better than when slaves — is superficial, and does not touch the substantial merits of the question. . . It does not embrace the fact that scarcely any of the plantations on which cotton was grown under slavery are nearly up to the mark of production before the war; and it leaves out of view the great number of small white farmers who, under the disability of the former growers, have begun for the first time to raise cotton, the numerous bands of white labourers who have availed themselves of the abundant opportunities of renting and cropping from year to year, the white villagers who have thrown their sickles into the common harvest . . and the cloud of white planters and their families, reduced to poverty, who have been the foremost to go down into the Western bottoms, and there and elsewhere have bent with noble fortitude and ardour to labour in the fields. It would be a misapprehension to take the cotton crop now as the product of negro labour in the same sense as it was before the war. The intermixture of white labour in the cotton culture of the South is already large, and though the forms under which the lands are cultivated are various yet the general distinction betwixt large plantations wrought by negroes under white employers, and small farms wrought chiefly by white people, remains a prominent feature of the new state of things, the practical force of which is felt more year by year.

An Englishman's Estimate of Free Negro Labor

Somers, *The Southern States*, p. 128. [1871]

THE emancipation of the slaves is accepted with remarkable equanimity when one considers the overturn of personal fortune, and all the bitterness of the war with which it was associated; and an expression of gladness to have now done with slavery, and to have touched some common ground of civilization, is often heard. But what the planters are disposed to complain of is that, while they have lost their slaves, they

have not got free labourers in any sense common either in the Northern States or in Europe; and, looking around here at Jonesboro [Alabama, Tennessee Valley], after a calm and wide survey, one cannot but think that the New England manufacturer and the Old England farmer must be equally astonished at a recital of the relations of land, capital, and labour as they existed on the cotton plantations of the Southern States. The wages of the negroes, if such a term can be applied to a mode of remuneration so unusual and anomalous, consist, . . of one half the corn and cotton, the only crops in reality produced. This system of share and share alike betwixt the planter and the negro I have found to prevail so generally that any other form of contract is but the exception. The negro, on the semi-communistic basis thus established, finds his own rations; but as these are supplied to him by the planter, or by the planter's notes of credit on the merchants . . and as much more sometimes as he thinks he needs by the merchants on his own credit, from the 1st. of January onward through the year, in anticipation of crops which are not marketable till the end of December, he can lose nothing by the failure or deficient outcome of the crops, and is always sure of his subsistence. As a permanent economic relation this would be startling anywhere between any classes of men brought together in the business of life. Applied to agriculture in any other part of the world, it would be deemed outrageously absurd. But this is only a part of the "privileges" (a much more accurate term than "wages") of the negro field-hand. In addition to half of the crops, he has a free cottage of the kind he seems to like, and the windows of which he or his wife persistently nail up; he has abundance of wood from the planter's estate for fuel and for building his corn-cribs and other outhouses, with teams to draw it from the forest; he is allowed to keep hogs, and milch cows, and young cattle, which roam and feed with the same right of pasture as the hogs and cattle of the planter, free of all charge; he has the same right of hunting and shooting, with quite as many facilities for exercising the right as anybody else — and he has his

dogs and guns, though, as far as I have discovered, he provides himself with these by purchase or some other form of conquest. Though entitled to one-half the crops, yet he is not required to contribute any portion of the seed, nor is he called upon to pay any part of the taxes of the plantation. The only direct tax on the negro is the poll-tax, which is wholly set apart for the education of his children, and which I find to be everywhere in arrears, and in some places in a hopeless chaos of non-payment. . .

The negro field-hand, with his right of half-crop and privileges as described, who works with ordinary diligence, looking only to his own pocket, and gets his crops forward and gathered in due time, is at liberty to go to other plantations to pick cotton, in doing which he may make from two to two and a half dollars a day. For every piece of work outside the crop he does even on his own plantation he must be paid a dollar a day. It may be clearing ditches or splitting rails, or anything that is just as essential to the crops as the two-inch plowing and hoeing in which he shambles away his time, but for all this kind of work he must be paid a dollar a day. While the landowner is busy keeping accounts betwixt himself and his negro hands, ginning their cotton for them, doing all the marketing of produce and supplies of which they have the lion's share, and has hardly a day to call his own, the "hands" may be earning a dollar a day from him for work which is quite as much theirs as his. Yet the negroes, with all their superabounding privilege on the cotton field make little of it. A ploughman or a herd in the old country would not exchange his lot for theirs, as it stands and as it appears in all external circumstances. They are almost all in debt; few are able at the end of the year to square accounts with "the Merchant;" and it is rarely the planter can point with pride, and with the conscious joy of recording his own profit, to a freedman, who, as a result of the year's toil, will have a hundred or two dollars to the good. The soul is often crushed out of labour by penury and oppression. Here a soul cannot begin to be infused

into it through the sheer excess of privilege and license with which it is surrounded.

Cities and Varied Industries

Nordhoff, *Cotton States in 1875*, pp. 23, 103. [1875]

ALMOST everywhere, except in Louisiana, Mississippi, and perhaps, Arkansas, I noticed an increase of the towns. I saw many new buildings, and others going up; and observant Southern men remarked upon this to me also. Wherever the people have been moderately prosperous, these improvements begin to make a show. The reason for this growth of towns was pointed out to me by Mr. Goodloe, a North Carolinian, and an Abolitionist before the war, whose essay [1] touching this question seemed to me both curious and valuable. Under the slave-system, whenever a man had saved a thousand dollars he bought a slave; and the accumulated wealth of the South was almost entirely invested in this species of property. Hence there was no money to build dwellings in the towns, to carry on retail shops, to make all those improvements which mark our Northern civilization. "But," as Mr. Goodloe remarks, "the money paid for slaves was substantially wasted, because the negro will work in freedom." A horse, a cow, or a sheep must be owned in order to be of service to man. Not so a man, a negro man. It was not necessary to enslave him in order to make him industrious and useful to the community of which he forms a part. Experience since the war shows that he will work without being owned. It is true, therefore, that the money invested in slaves was wasted, so far as the general community was concerned; it was a misapplication of capital. With the extinction of slavery, this waste of the savings of the Southern people stopped. As wealth once more begins to accumulate, some other and sound forms of investment are, and will be, sought for it. It will be turned into houses, town improvements, and, above all, I believe, into factories of various kinds. Of course the accumulations of the community will no

1. In the Report of the Bureau of Agriculture for 1865.

longer be in so few hands as before; but this also is found to be a great advantage in the South, where employments are becoming more varied, and there is more work for mechanics of different kinds. It is among the factory workers and the small farmers of Georgia that one finds the chief prosperity of the State. Here there is little or no debt; money circulates rapidly; improvements are seen; and there are patient, hopeful labor, thrift, and enterprise, which affect, as it seems to me, the whole population. I heard here and there of instances of poor young mechanics working steadily and earnestly, in a New England way, at their trades, making labor respectable, accumulating property, and making honorably places in their communities; and some such men talked to me of their past and their future, of the hopeful change which the extinction of slavery had produced in the prospects of their class, in language which showed me that there is a new born hope of better things in the poor white people of the State.

Cotton and Rice Plantations

Leigh, *Ten Years on a Georgia Plantation*, pp. 116, 223, 263. From letters of Mrs. Leigh and Rev. J. W. Leigh. [1868-1870]

Mr. G——, another rich New York man, who figured it all out on paper there, came here two years ago to make his fortune, and he told me the other day that he was perfectly convinced that Sea Island cotton never would pay again. . . The labour is too uncertain, and anyone who knows, as I do, that after all my hard work the crop may be lost at any moment by the negroes going off or refusing to work, knows how useless it is to count on any returns with certainty. Wherever white labour can be introduced, other crops will be cultivated, and wherever it can't, the land will remain uncultivated.

Rice lands now rent at ten dollars an acre, and cotton from two to three, so you can judge what the people here think about it. . .

Since the war, owing to want of capital and labour, much of the country in the Southern States has returned to its normal [wild] condition, and that whereas formerly, in six of the

Southern States, 186,000,000 bushels of rice were sent to market, in 1870 only 72,000,000 were raised. The original planters having been completely ruined by the war, the planting in many cases has been carried on by negroes on their own account in small patches. As the Agricultural Commissioner, in his report, has lately stated — "The rice-planters were driven from the Carolina and Georgia shores during the war, labour was in a disorganized and chaotic state, production had almost ceased, and at its close, dams, flood-gates, canals, mills, and houses were either dilapidated or destroyed, and the power to compel the labourers to go into the rice-swamps utterly broken. The labourers had scattered, gone into other businesses, and those obtainable would only work for themselves on a share contract. Many of the proprietors were dead, and more [were] absentees, and inexperienced men from the North or elsewhere assumed their places. The rice-fields had grown up in weeds or tangled shrubbery, the labour of separation was discouraging, and the work of cultivation greatly increased, giving unexpected gravity to the accidents and contingencies of the season."

This picture is by no means overdrawn, and even now, in our own neighbourhood, there is scarcely a planter whose plantation is not mortgaged, and whose crop is not the property of his factor, who has advanced him money to plant with. They plant on sufferance, and live from hand to mouth as best they can.

The Credit System

Straker, *The New South Investigated*, p. 87. The credit or supply system had fully developed before the close of Reconstruction. [1870-1880]

At the close of the war, added to the renting of small farms to the colored man by whites, to be paid in certain proportions of the crop, was the system of making advances to this class of farmers of such necessary farming utensils and necessities for food and clothing. . . This system in its incipiency had nothing in its intent discommendable, but it afterwards grew into the strongest engine of power, political and civil, as turned against

the colored laborer and the poor white. The profit to be delivered from such an occupation, in which total ignorance had to compete with panoplied intelligence, soon caused numerous small merchants . . to set up small stores on every plantation cultivated. In most instances the merchant was also landlord, and in this combination commenced a system of usury, unrivalled by the Jews of Lombardy in ancient times. The poor, ignorant colored and white man, renting small farms and relying on the merchant for advances to make his crop, were and still are compelled to pay the exorbitant interest, frequently of fifty per cent and not unusually of seventy or ninety per cent. A coat which cost the merchant one dollar, was frequently sold for two; a pound of meat that cost six cents was sold for twelve; a hat which cost fifty cents was sold for $1.50; so likewise with shoes and other things. . . I have seen colored men who, having a large family, rent a small farm and take advances for a year to make a crop, and at the end of said year, after paying such debts to the merchant as were incurred in making said crop, [do] not have money enough to buy a suit of clothing for any one of the family. I have also seen the taking of all the crop by the merchant, and also, the horse or mule and other chattels which were given as collateral security for the debt in making a crop in one year.

The "Dead-Fall" Evil

Henry D. Clayton, *Charge to Barbour County, Alabama, Grand Jury*, November 16, 1874. After the overthrow of the Reconstruction régime the "Sunset" law was enacted in most of the Southern states. It prohibited the purchase of produce after sunset unless complete records were kept. This broke up night sales of stolen produce. [1874]

In addition to the causes already enumerated as having more or less affected the material condition of the State, the so-called "dead falls" are, in a great measure, responsible for the existing poverty. A "Dead-fall" is simply a small shop or store where for a few pounds of stolen cotton or a measure of corn, white thieves give whisky to black ones. All over Alabama, in sly nooks and corners, these places have been established, and the harm they are doing is almost beyond belief. Since the war

the negroes have acquired an uncontrollable appetite for strong drink, and still believing that "what's massa's is mine," they have for years been in the habit of selling whatever of value they could steal without fear of detection, and from the proceeds buying whisky and tobacco. Some time after reconstruction [1868] in order to derive profit from this system of petty thievery, unprincipled men throughout the State established the stores mentioned. They receive any quantity of cotton or corn in exchange for bad spirits or poisonous candy, and . . encourage the negroes to steal as large quantities as they can secure. They give from four to five glasses of whisky for a bundle of cotton which is worth a dollar, and in this way many of them are making fortunes. The amount of loss to the planter cannot fail to reach as high as one-fifth per cent [20 per cent] of his entire crop. Most of the business of the "dead-falls" is done at night, and owing to the large tract of land which is covered with cotton it is almost impossible for the planters to throw any safeguard around their property.

Last winter [1873] a bill was introduced in the legislature which had for its object the breaking up of these stores. It provided that wherever a shop was situated outside of the corporate limits of the cities the proprietor should keep an account of all articles brought to him for sale, the price paid for them, and the name of the seller. The passage of this bill was asked for by the best men in the State, but the so-called republican majority in the house denounced it as class legislation, the negroes were all opposed to it, and it was defeated, only two members of the assembly voting in favor of it. This harvest the "dead-fall" keepers are more numerous than ever before, and the loss of the farmer is proportionately great. One gentleman who lives near Snowden, this county, assures me that there has been no less than five bales of cotton stolen from him since he began picking. Other farmers make similar statements. . .

I was told in Montgomery lately that a keeper of one of these dirty dead-falls at the opening of the cotton season came within a few hours of having the first bale of cotton in market!

Thirty, forty and fifty bales of cotton in a season is a small crop for one of these one-horse doggeries, and I have heard, upon what I regarded as good authority, that one, within a short distance of this place, made eighty-three bales of cotton in one season, besides innumerable loads of corn and other produce.

A Northern Estimate of Negro Industry

Charles Nordhoff, *The Cotton States in 1875*, pp. 21, 107. Nordhoff traveled through Arkansas, Louisiana, Mississippi, Alabama, Georgia, and North Carolina. He was correspondent of the *New York Herald*. [1875]

THE system of planting on shares, which prevails in most of the cotton regions I have seen, appears to me admirable in every respect.[1] It tends to make the laborer independent and self-helpful, by throwing him on his own resources. He gets the reward of his own skill and industry, and has the greatest motive to impel him to steadfast labor and self-denial.

I have satisfied myself, too, that the black man gets, wherever I have been, a fair share of the crop he makes. If anywhere he suffers wrong, it is at the hands of poor farmers, who cultivate a thin soil, and are themselves poor and generally ignorant. It is a curious evidence of the real security of the negro, even in the rudest parts of the South, that some thousands of them have emigrated from Alabama and Georgia into the Yazoo bottom in Mississippi, and into the cotton regions of Arkansas and Louisiana — parts of the South where, if we might believe the general reports which have been spread through the North, no negro's rights and life are safe.

The black laborer earns enough, but he does not save his money. In the heart of the cotton country, a negro depending on his own labor alone, with the help of his wife in the picking season, may live and have from seventy-five to one hundred and twenty-five dollars clear money in hand at the close of the season. If he has several half-grown boys to help him in the field, he may support his family during the year, and have from one hundred and seventy-five to two hundred dollars clear

1. Most economists consider it a bad system.

money at the year's end. Few laborers as ignorant as the average plantation negro can do as well anywhere in the world.

Conditions in 1876

John C. Reed, *The Old South and the New* (pamphlet). Used by permission of Mr. Reed. [1876]

THE great economical interest of the south is her agriculture; and in this industry, as well as among those who conduct it, a constant transition has been taking place during the ten years since emancipation. There is a melancholy change in the homes of landholders. . . The neat inclosures have fallen; the pleasant grounds and the flower-gardens . . are a waste. . . Change at home is accompanied by still greater change without. The negroes — and they constitute the great bulk of the laboring population — tend to become a tenantry, cultivating the land, in some instances, for a part of the produce, but oftener for a fixed sum of money. Many of these realize from their labors little more than enough to pay a moderate rent. Others work for wages, either in money or in some portion of the crop made by their labor. As the negroes are scarce, and their labor so important, they have often, directly or indirectly, a voice in the area of land cultivated, the mode of cultivation, and the kind of crop raised. The result, in many places, is retrogression. . . Only a small part of the land, as compared with that tilled before the war, is under cultivation, the remainder becomes wild. . . Nearly every man of average business ability could control his slaves . . with little trouble; but it now requires far more than ordinary capacity to find and keep good tenants, to employ laborers amid the present scarcity, and to retain and make them remunerative when employed. The freedman is a different character from his former slave self, and is to be governed by different methods; and the true art of managing him is cabalism to many who were prosperous planters before the war. Multitudes of these show great despondency, for there have been thousands of failures among them. . .

A new system is slowly developing, and can be plainly dis-

cerned among the rubbish of the old. The change from former days most noticeable now is the multiplication, increased energy, and continually growing trade of the smaller towns. This is due to the decay of planting, which was a wholesale system, and the coming-in of farming, which is a small trading system using much less concentrated capital. The large moneyed man, for evident economical reasons, buys in commercial centres — in cities — but the small purchaser must needs buy in the nearest market. Allowing for the great increase of farmers, and the control by the negroes of their earnings, there are many thousands more of small buyers in the south than there were before the war, and towns build up to sell to them.

There is another fact, not so noticeable as the rapidly growing local trade, but still more important. A class of new planters, consisting mainly of [white] men too young to have become fixed in the methods and habits of former days, is springing up. . . They have remodelled their domestic economy, accommodating it to their smaller incomes and to the uncertainty of household help. They have discarded the outside kitchen, have substituted the cooking stove for the old voracious fireplace, and have brought the well with a pump in it, instead of the old windlass and bucket, under the roof of the dwelling, so that the household duties may be more easily despatched by their wives and children. And they have also remodelled their planting. They diversify their crops and products, raising more grain, and introducing clover and new forage plants. Some abandon entirely the cultivation of the old slave crops, and supply the nearest towns with feed and provisions. These planters of the New South till less land, and strive to improve it; they study the superiority and economy of machinery; they provide themselves with better cotton-gins, often using steam to work them; they have presses which require fewer hands than the old packing-screw; better plows are used; and harrows, reapers, and mowers, which, in many parts of the south, were seldom known before the war, are now common. . . They struggle with a new order of things, having to think for themselves at every turn, and often misstep and fall in the dark, but they pick themselves up, and find the way again.

Cotton Production by Whites and Blacks

E. A. Smith, *Report on Cotton Production of the State of Alabama* (census of 1880). It shows the relation between race and location and cotton production. The tendencies here outlined are the reverse of those prevailing before 1860 and have continued. [1880]

THE *central cotton belt* is generally a region of large farms or plantations, in which the laborers are chiefly negroes, as seen in the tables. As a rule, these laborers do not own the land, have no interest in it beyond getting a crop from a portion of it, which they rent either for a sum of money or for a share of the crop, and are not interested in keeping up the fertility, at least not to the extent of being led to make any attempt at the permanent improvement of the same. In the case of the owner of the land, while the conditions are different, the result is the same. He is, of course, interested in the improvement of his land; but to supply the fertilizers for a large plantation, when he cultivates it by hired labor, would cost more than he usually has to expend, and where the share system, or that of renting, prevails he is still further removed from personal care of the land; and thus from all causes there is an exhaustive cultivation of the land, without any attempt at maintenance or restoration of its lost fertility.

In addition to these, the system of advances or credit, so prevalent throughout the cotton-producing parts of the state, is not without its evil influence, for the laborer, and too often the owner of the land, is obliged to get advances of provisions from their merchants, for the payment of which the crop is mortgaged; and as cotton is the only crop which will always bring ready money, its planting is usually insisted on by the merchants making the advances and selected by the farmer as a means of providing for payment. In this way cotton comes to be the paramount crop, and there is little chance for rotation with other things. . .

In the other agricultural regions of the state, and in most of the counties also of the Tennessee and Coosa valleys, the farms

are, as a rule, small, and cultivated by their owners, with the assistance of such labor as may be hired from time to time. In all these cases provisions are produced on the farm, and cotton is planted as a secondary crop. There is thus some chance for selection of the soils and for rotation of crops; and when a man cultivates his own farm fertilizers are in more general use, so that with the soils naturally much inferior to those of the main cotton-producing regions the average per acre is much higher in these regions of small cultivation. . .

To recapitulate, the following conclusions seem, therefore, to be plainly taught by the discussion of the data contained in the tables presented: . .

1. That where the blacks are in excess of the whites there are the originally most fertile lands of the state. The natural advantages of the soils are, however, more than counterbalanced by the bad system prevailing in such sections, viz., large farms rented out in patches to laborers who are too poor and too much in debt to merchants to have any interest in keeping up the fertility of the soil, or rather the ability to keep it up, with the natural consequences of its rapid exhaustion and a product per acre on these, the best lands of the state, lower than that which is realized from the very poorest.

2. Where the two races are in nearly equal proportions, or where the whites are in only slight excess over the blacks, as is the case in all the sections where the soils are of average fertility, there is found the system of small farms worked generally by the owners, a consequently better cultivation, a more general use of commercial fertilizers, a correspondingly high product per acre, and a partial maintenance of the fertility of the soils.

3. Where the whites are greatly in excess of the blacks (three to one and above), the soils are almost certain to be below the average in fertility, and the product per acre is low from this cause, notwithstanding the redeeming influences of a comparatively rational system of cultivation.

4. The exceptions to these general rules are nearly always due to local causes, which are not far to seek, and which afford generally a satisfactory explanation of the discrepancies.

XII

THE KU KLUX MOVEMENT

INTRODUCTION

THE Ku Klux Movement is the term applied to that mode of opposition to Reconstruction that took the form of secret revolutionary societies. The causes of this movement lay in the disordered conditions, political, social and industrial, that prevailed in the South from the surrender of the Confederate armies until the whites were again in control of the state and local governments.

There were scores, perhaps hundreds, of secret protective and revolutionary societies in the South, ranging from small bodies of neighborhood police which were common in 1865 and 1866, to great federated orders like the White Camelia covering the entire South and even extending into the North and West. All of these orders, regardless of their original purposes, were finally found opposing the Reconstructionists. The largest and best known of them were the Ku Klux Klan or the Invisible Empire, the Knights of the White Camelia, the Constitutional Union Guards, the Pale Faces, the White Brotherhood, the Council of Safety, and the '76 Association. After about 1872 most of these orders threw off disguise and appeared openly as the armed whites fighting for control of society. The White League of Louisiana, the White Line of Mississippi, and the Rifle Clubs of South Carolina were of this later manifestation of the Ku Klux Movement.

Some of the purposes of the secret organizations can be ascertained from their constitutional documents, but the real purposes varied with the locality. Some local sub-

divisions were purely protective and were intended only to check the excesses of the blacks; others sought to drive out ignorant, corrupt or violent officials; others acted as regulators of the morals of the public; while in white communities the object was sometimes to keep the negroes from coming in or to drive from the fertile lands the blacks whom slavery had placed there. The most effective work was done in the early period, 1868-1870, by playing upon the superstitious fears of the negroes, thus paralyzing at its source the power of the Radicals. It was in this period that the orders made use of the fantastic disguises and ludicrous methods that later lost their effectiveness and were discarded. The Reconstruction governments naturally sought to crush the orders and stringent statutes were enacted which were seldom enforced because the states were too weak. In 1871 and 1872 the Enforcement laws passed by Congress were directed at the Ku Klux Movement, and while they checked it somewhat and changed its direction, they probably assisted it by causing all disguise to be thrown off and by crushing the outlaws who through use of Ku Klux methods had brought the orders into discredit.

The first results of the movement were good; the later ones were both good and bad. The early work of the secret orders quieted the negroes, made life and property safer, gave protection to women, stopped burnings, forced the Radical leaders to be more moderate, made the negroes work better, drove the worst of the Radical leaders from the country and started the whites on the way to regain political supremacy. The evil results were those that always follow such movements: the lawless element inside and outside made use of the organizations as a cloak to cover their misdeeds, until former members united to crush the remnants of the orders; since the law

REFERENCES

CAUSES OF THE KU KLUX MOVEMENT: Avary, *Dixie after the War*, ch. 24; Burgess, *Reconstruction and the Constitution*, pp. 250, 252, 259; Fleming, *Civil War and Reconstruction in Alabama*, p. 653; Garner, *Reconstruction in Mississippi*, p. 338; Herbert, *Solid South*, pp. 193-203; Lester and Wilson, *Ku Klux Klan*, pp. 23, 27, 30; Phelps, *Louisiana*, p. 366; Reed, *The Brothers' War*, pp. xiii, 369, 423; Reynolds, *Reconstruction in South Carolina*, pp. 182, 188.

EARLY SECRET SOCIETIES: Fleming, p. 657; Lester and Wilson, p. 24.

KU KLUX KLAN: Avary, ch. 24; Beard, *Ku Klux Sketches*; Brown, *The Lower South*, ch. 4; Fleming, p. 660; Garner, ch. 9; Harrell, *Brooks and Baxter War*, ch. 4; Phelps, p. 366; Reynolds, ch. 5.

KNIGHTS OF THE WHITE CAMELIA: Avary, ch. 24; Brown, ch. 4; Fleming, p. 669; Phelps, p. 367.

CONSTITUTIONAL DOCUMENTS OF THE ORDERS: Fleming, pp. 663, 669; Lester and Wilson, pp. 136-198; Reynolds, p. 179.

THE METHODS AND WORK OF THE ORDERS: Avary, ch. 24; Brown; Burgess, p. 251; Fleming, p. 674; Garner, p. 339; Lester and Wilson, pp. 73, 92, 97; Phelps, pp. 367, 376, 379; Reynolds, pp. 184, 189.

ANTI-KUKLUX LEGISLATION: Burgess, pp. 255, 257; Fleming, pp. 693, 701; Garner, pp. 342, 343; Herbert, p. 203; Lester and Wilson, p. 114; Reynolds, pp. 191, 196, 202.

LATER ORGANIZATIONS: Avary, ch. 24; Fleming, p. 708; Phelps, p. 376;

RESULTS OF THE KU KLUX MOVEMENT: Brown, ch. 4; Fleming, p. 689; Garner, p. 353; Lester and Wilson, p. 128; Phelps, pp. 367, 390, 392; Reed, pp. xiii, 369, 423; Reynolds, p. 190.

was bad and the people went outside of it for means of protection and regulation the result was the weakening of respect for law and a disposition to settle affairs without recourse to legal methods.

The movement lasted under one form or another until the close of Reconstruction, and the lynching habits of today are due largely to conditions, social and legal, growing out of Reconstruction.

1. CAUSES OF THE KU KLUX MOVEMENT

Conditions in Alabama

Ku Klux Report, Alabama testimony (see index). Statements of (1) Governor R. B. Lindsay, (2) General J. H. Clanton, (3) General (now Senator) Pettus, (4) J. H. Speed, scalawag superintendent of education, (5) S. F. Rice, scalawag leader, (6) L. W. Day, Federal official, Northern man. [1871]

[1] THE origin, as it is generally understood, the prime moving cause of the existence of the Ku-Klux, was the result of Union Leagues. Union Leagues were organized in every little hamlet and town throughout North Alabama, composed principally of colored men, with a sprinkling of whites. Those Union Leagues were supposed . . to have not only a political object, but to a certain extent an object of crime; that they were banded together for the purpose of committing depredations upon the whites. . . During the process of reconstruction there were no courts in the State of Alabama, either competent or active in the administration of the laws. Everything to a certain extent was chaotic, every man and every part of society were entirely at sea. And this band of Ku-Klux was said to have been organized to counteract the objects and acts of the Union Leagues, and to punish crime where the laws failed to administer justice. . . Unfortunately, under the reconstruction measures in Alabama, we had placed in power a great many incompetent officers, men who were not capable of discharging the functions either of judge or prosecuting attorney; men who were totally unfit either by their moral or their mental character to administer the laws.

[2] There is not a respectable white woman in the Negro Belt of Alabama who will trust herself hardly outside of her house without some protector. . .

So far as our State government is concerned, we are in the hands of camp-followers, horse-holders, cooks, bottle-washers, and thieves. . . We have passed out from the hands of the brave soldiers who overcame us, and are turned to the tender mercies of squaws for torture. . . I see negro police — great

black fellows — leading white girls around the streets of Montgomery, and locking them up in jail.

[3] The chief cause of irritation there is a principle which has run through the legislation of the Government since the termination of the war, by which it is asserted or claimed that we are an inferior, degraded people, and not fit to be trusted. . .

One of the main things of which we complain and have always complained is the breach of the contract made by the soldiers in the field. I have what I call a contract — an individual one with myself — made by General Sherman in the name of the Government of the United States, in which I was required to conduct myself after that time in obedience to the laws, and was promised that I should not be disturbed in any way if I did so. The soldiers went home, and as a body have been . . obedient to the laws of the United States. . . We have been denied the benefits of that contract, which was made when we had arms in our hands.

[4] Great bitterness was engendered among the white people by the disfranchisement of their representative men; and I think that that bitterness was greater toward the negro after his enfranchisement than it would have been if there had been no disfranchisement of the whites. I think that this was the commencement of the trouble. The beginning of bitterness in our country was the disfranchisement of the whites; and out of that grew, in a great measure, their opposition to this movement of reconstruction. This, coupled with negro suffrage, was the origin of the difficulty. The white people in our country, though they may accept what is known as the "new departure," are at heart unalterably opposed, in my opinion, to negro suffrage.

[5] I think it is caused by this long continued indulgence of passions, accompanied by a conviction that the southern people are the most grossly wronged and outraged people on the face of the earth. That is the honest belief of the white people generally. It is this feeling, doubtless, that makes them so bitter, especially towards a man like myself. I was a nullifier;

a States-rights man out and out. I entertained extreme Southern views until I became a republican.

[6] There have been difficulties arising out of horse-thieving, personal violence offered to parties without reference to their political status, . . and in some cases homicides have resulted from the efforts of the citizens, acting in behalf of order, to prevent that lawlessness. For instance, in Limestone, my information, . . is that they have had several homicides there; but I think the large majority have resulted from acts of a posse of citizens in their attempts to disperse a band of men whose organization was based upon a desire for thieving and plunder.

Why the Klan Was Formed in North Carolina

Ku Klux Report, North Carolina testimony, pp. 8, 247, 309, 310, 318, 363. Extracts from the statements of Conservatives who asserted that the conditions described caused the formation of the Klan. [1871]

I THINK there were five persons hung in the county [Orange]; three were hung for burning barns; another was hung for having threatened to ravish a girl; I never heard why the other one was hung. . .

The poorer classes in the community, women who carry blackberries, cherries, eggs, butter, and things of that sort to town to sell, were afraid to go to town by themselves; they would only go when they could form large companies for mutual protection. Formerly . . they could go singly just when they were ready. But just about that time they were afraid to go to town alone for fear of being insulted or ravished by negroes. . .

The cause of the troubles in the whole southern country is bad government. . . I am fortified in that belief by the fact that up to the time that these governments and State constitutions so obnoxious to the people of that country were imposed upon them, nothing of this sort was occurring. From the close of the war up to 1867, affairs were perfectly quiet in the South; there were no occurrences of this kind. I attribute the

whole thing to bad government, corrupt and incompetent officials, and bad advice to the ignorant negro population. . .

In the county of Gaston, adjoining my own county, there were, a year and a half ago, as I have been told by Governor Vance, of our State, eleven barns burned within sight of the village of Dallas, the county seat of that county. . .

There is no necessity on the part of the higher and more intelligent classes for that jealousy toward the negroes which exists between the poor white and the negro; but there is a feeling among the poorer classes of the white men that they and the country would be a great deal better off if the negroes were entirely out of the country; and they would unanimously vote for colonizing them, or anything else to get them away, simply because they believe and declare that they and their families are the sufferers. As to the commission of rapes and things of that kind, the wealthy and more intelligent classes do not, of course, feel under the same danger as do the poorer classes of white people in the country. It is only among the poorer classes of white people, as far as I have been able to learn, that any jealousy or hatred toward the negro race is entertained. . .

I do think that the common white people of the country are at times very much enraged against the negro population. They think that this universal political and civil equality will finally bring about social equality; there are already instances in the county of Cleveland in which poor white girls are having negro children. Such things as these are widening the breach between those two classes of our population. The white laboring people feel that it is not safe for them to be thus working in close contact with the negroes. . .

It was at a time when the republican party had three secret organizations in operation in the State, the Union League, the Heroes of America, and the Red Strings. They had a paper called the Red String, printed at Greensborough, edited by Mr. Tourgee. Our friends thought it was proper to organize a secret society for the purpose of counteracting that influence.

Dissatisfaction in South Carolina

Ku Klux Report, South Carolina testimony, p. 446 *et seq.* Statement of James Chesnut, formerly U. S. Senator from South Carolina. [1871]

THERE is a deep dissatisfaction . . in the hearts of the people of this State. . . The government of this State, has been very bad. . . The people having been accustomed heretofore to a well-ordered civil government, and . . to self-government, suddenly found themselves in a condition where their whole system, social and political, was subverted, and this government put over them and exercised without intelligence and without integrity. . . That is the main cause which has produced that discontent in the State. . . I think that politics is not the basis at all of these organizations. My attention was first attracted to that shortly after the arming of the militia of this State, and a large number of instances of the burning of barns and dwellings, gin-houses and stables, etc., in the country. Then followed the arming of the . . colored militia . . the white people were not armed, and in the main were excluded from organization. . . They then commenced this thing, and it went on increasing. . .

Three hundred thousand white people here around us, who had been accustomed to self-government, who had had an orderly government and had participated in that government, whose property had been taxed only by those who paid the taxes, beheld the whole thing suddenly subverted and themselves placed at the mercy of ignorance and of corruption, foreign, and domestic. These people are under an absolute despotism, and you will find that the countries where governments are most despotic are precisely those in which secret associations appear; associations of parties . . seeking redress for real or fancied wrongs which they think cannot be avenged through the government. That is the true secret of all this thing. It arises from the government of . . South Carolina. It does not belong to our country more than any other, but precisely as you approach despotic power in a government you find these parties forming associations.

An Englishman's Statement of the Causes

Somers, *Southern States*, p. 153. Somers traveled through the Southern states in 1870 and 1871. [1871]

THE white people in the South at the close of the war were alarmed, not so much by the threatened confiscation of their property by the Federal Government, as by . . more present dangers of life and property, virtue and honour, arising from the social anarchy around them. The negroes . . were disorderly. Many of them would not settle down to labour on any terms, but roamed about with arms in their hands and hunger in their bellies, and the governing power, with the usual blind determination of a victorious party, was thinking only all the while of every device of suffrage and reconstruction by which "the freedmen" might be strengthened and made, under Northern dictation, the ruling power in the country. Agitators of the loosest fiber came down among the towns and plantations, and, organizing a Union league, held midnight meetings with the negroes in the woods, and went about uttering sentiments which, to say the least, in all the circumstances were anti-social and destructive. Crimes and outrages increased. The law, which must be always more or less weak in thinly populated countries, was all but powerless; and the new Governments in the South, . . were . . unable to repress disorder, or to spread a general sense of security throughout the community. A real terror reigned for a time among the white people; and in this situation the "Ku-Klux" started into being. It was one of those secret organizations which spring up in disordered states of society, when the bonds of law and government are all but dissolved, and when no confidence is felt in the regular administration of justice. But the power with which the "Ku-Klux" moved in many parts of the South, the knowledge it displayed of all that was going on, the fidelity with which its secret was kept, and the conplacency with which it was regarded by the general community, gave this mysterious body a prominence and importance seldom attained by such illegal and deplorable associations. Nearly every respectable man in the Southern States was not only disfranchised, but un-

der fear of arrest or confiscation; the old foundations of authority were utterly razed before any new ones had yet been laid, and in the dark and benighted interval the remains of the Confederate armies — swept, after a long and heroic day of fair fight, from the field — flitted before the eyes of the people in this weird and midnight shape of a "Ku-Klux-Klan."

Stealing and Race Prejudice

Ku Klux Report, South Carolina testimony, p. 797. Statement of Simpson Bobo, planter and iron worker. [1871]

THEY take up a negro whom they know has been guilty of stealing, and make him state all that he knows about others stealing. . . Some thirty miles from here, the neighbors were losing their cotton last fall. . . The negroes would go into the field at night and carry it off. They caught one negro at it. They told him nothing about it, and a few neighbors put on disguises and went and took up that fellow. Well, the negroes had an impression at first that they were ghosts. . . They took him up, and asked him if he could tell what he was taken up for. . . They insisted upon his giving out what they had taken him up for. He says: "I guess you have got me here for stealing Massa Jones's cotton." . . They said yes, that was it. They said, "Have you stolen anything else? Do you know of anybody who has stolen?" And if they did not know of anything else . . they said to him, "Now, we are going to whip you for that; but if you go home, and go to work, we will have no more trouble with you." They whipped him and turned him loose; and a day or two afterward they took up another. . . The moment they took this man up, he said it was for the killing of such a man's pig. So it was with several others that they called on and caught up, and they say it has cured the neighborhood of stealing. That is a sample of a great many cases of the kind that have occurred. Another sample I will give you is of this sort: The lower class of white people . . have a great prejudice against the negro, because he is a competitor for common labor, and wherever they come into collision, those fellows form themselves into a Klan, and take up negroes that

come in their way, and punish them. . . For instance, a white man rents a tract of land to a negro. Some white man wants to get the land. The owner prefers giving it to the negro. For the purpose of punishing the negro, he [some white renter] will then get up a parcel of neighbors, and in disguise they will go and whip the negro half to death.

Desire to Get Rid of the Negro

Ku Klux Report, Alabama testimony, pp. 1175, 1757. Statements of (1) General S. W. Crawford, United States Army, and (2) Judge W. S. Mudd, Conservative. [1871]

[1] IT is a class of white men, not possessed of wealth or real estate, that exists in Alabama, many of them in the mountains, that is hostile to the negro. Those people see him on the rich lands and possessed of political privileges which increases the old jealousy, and they know that if they can get rid of the negro, have him colonized for instance, it will be better for them both on the point of association and the division of political rights.

[2] In some sections of the State there is a feeling of personal hostility to the negro; and in some portions of my circuit they will not let a negro live; that is, it is a white population; and they do not want to come in contact with the negro. They want to cultivate the lands themselves, and they want to have an exclusively white society. . .

In one of the precincts of my county, all the people of which voted the republican ticket for President, I ascertained a short time ago . . that the Ku-Klux had formed an organization there, consisting entirely of boys and young men. . . There have been no black men in that county, except a few . . and they have been made to leave it. . .

There is scarcely any county in the State where there is not the landholder, who was formerly a large slaveholder, and who desires to retain this [negro] labor in the country to cultivate the land; and these poorer classes, who never owned slaves or had much property, and who would much prefer to have the negro out of the country.

A Scalawag's Opinion of the Causes

Ku Klux Report, Alabama testimony, p. 527, *et seq.* Statement of J. A. Minnis, Federal official. [1871]

THE fourteenth amendment . . made the negroes citizens, effectually changed this whole status of his situation, and . . aroused all prejudices and hostility of the southern people. . . The third section . . disqualifying a large class of white men, and many of them the best men in the State . . while at the time when it was adopted in Alabama negroes were eligible to office, greatly intensified the bitterness, and . . in the minds of some who otherwise might have been induced to sustain the Government in its reconstruction policy, created such a prejudice that they became indifferent or opposed to it. The reconstruction measures of Congress were regarded by the great body of the white people of the South as usurpations, unconstitutional, and void, and all who sustained them were most bitterly denounced as enemies to the people. These measures, conferring on the negroes the rights of citizens, under these acts even the right to vote in reconstructing the State, met all the prejudice, bitter hostility, and denunciations that could well be entertained by any people, and every prejudice and passion was appealed to to bring them into odium and contempt, and defeat, if possible, their operation. . . Congress admitted the State of Alabama under this constitution,[1] they regarded it as a violation of the plighted faith of Congress; and while hostility and opposition to the principles of the newly constructed State were already as strong as human nature was capable of entertaining, this greatly added fuel to the smothered fire of opposition, and it broke out in volcanic flames of denunciation, that appealed to all the prejudices of race passions of hate, that it was possible to be entertained by a brave and chivalrous people. The whole reconstruction policy was denounced as a tyrannical usurpation, the government as a usurped negro government, and every officer as a mean, tyrannical usurper — a Government that placed negroes over and made white men subject to negro rule. This led to a bitterness, to social and business ostracism and

1. The constitution had not been legally adopted.

proscription, to outrages of person, to whippings, lynchings, murders, and assassinations of persons who favored the Government, and especially to negroes who set up to enjoy the rights thus conferred, the one-half of which, in my opinion, never has and probably never will be told, a great deal of which was done by disguised bands; and while, in my opinion, a comparatively few were actually engaged in these acts, such were the hostility and hatred of the great mass that they felt but little disposition to actively intervene to prevent similar outrages or to punish those who did commit. . . When the war was over, the Southern people had no idea, while they expected slavery to be abolished, that their slaves were to be made their political equals. . . My opinion is that the great mass felt as I believe any other good, brave and chivalrous people feeling and believing as they did would have felt . . the great mass of the people are as good as any other people.

Violation of the Appomattox Programme

Ku Klux Report, Georgia testimony, p. 316, *et seq.* Statement of General John B. Gordon, head of the Klan in Georgia. This point was repeatedly brought up by the soldiers who testified. [1871]

I KNOW that the general feeling at the North is that our people are hostile toward the Government of the United States. . . Commanding as I did, Jackson's corps of the Confederate army, for some time before the surrender, and at the time of the surrender one wing of that army, I know very well that if the programme which our people saw set on foot at Appomattox Court-House had been carried out — if our people had been met in the spirit which we believe existed there among the officers and soldiers, from General Grant down — we would have had no disturbance in the South. . . I know it was generally felt that there was shown toward the officers and men who surrendered at Appomattox Court-House a degree of courtesy . . which was surprising and gratifying, and which produced at the time a very fine effect. I want to say, moreover, that the alienation of our people from the Government — an alienation which, resulting from the war, continued to some

extent immediately after the war — has been increased since that time, by the course which our people believe has been wrongfully pursued toward them. Whether right or wrong, it is the impression of the southern mind — it is the conviction of my own mind, . . that we have not been met in the proper spirit. We, in Georgia, do not believe that we have been allowed proper credit for our honesty of purpose. We believe that if our people had been trusted, as we thought we ought to have been trusted — if we had been treated in the spirit which . . was manifested on the Federal side at Appomattox Court-House — . . if this had been the spirit in which we had been treated, the alienation would have been cured. . .

The people of the South appreciate, I think, very fully and very justly the conduct of General Grant in protecting . . the soldiers who surrendered there, when there was all this talk about punishing for "treason," &c.; but I think that the bad faith was in this: The conduct of the Federal army, officers and soldiers, from General Grant down, at Appomattox Court-House, led our people to feel that a liberal, generous, magnanimous policy would be pursued toward them. They felt that they were at liberty to construe that conduct into a pledge, as it were; and as the sort of policy which that conduct apparently pledged has not been pursued towards us — as the policy has been one of distrust instead of liberality and magnanimity, our people feel that the faith which was pledged to them has been violated. . . We do not claim that we had any written pledge from General Grant and his army, any further than that we should not be disturbed, so long as we obeyed the laws.

We felt there was a moral obligation arising from the circumstances . . ; we had no written pledge except that contained in our paroles; and we think that that written pledge itself has been broken in the fact that we have been deprived of rights which we had inherited. . . In that particular our people feel that the Government has not kept faith with us. We have been disfranchised.

General Forrest's Explanations

Ku Klux Report, vol. xiii, pp. 6-32. General Forrest was head of the Klan after 1868. The first extract is from a newspaper interview in 1868 which Forrest claimed was not correct; the second is from his testimony in 1871. [1868, 1871]

[1] IT is true that I have never recognized the present government in Tennessee as having any legal existence, yet I was willing to submit to it for a time, with the hope that the wrongs might be righted peaceably. . .

I loved the old government in 1861; I love the old Constitution yet. I think it the best government in the world if administered as it was before the war. I do not hate it; I am opposing now only the radical revolutionists who are trying to destroy it. I believe that party to be composed, as I know it is in Tennessee, of the worst men on God's earth — men who would hesitate at no crime, and who have only one object in view, to enrich themselves. . . If the militia were simply called out, and do not interfere with or molest any one, I do not think there will be any fight. If, on the contrary, they do what I believe they will do, commit outrages, or even one outrage, upon the people, they and Mr. Brownlow's government will be swept out of existence; not a radical will be left alive. If the militia are called out, we can not but look upon it as a declaration of war, because Mr. Brownlow has already issued his proclamation directing them to shoot down the Ku-Klux wherever they find them; and he calls all southern men Ku-Klux. . . There is such an organization, not only in Tennessee but all over the South, and its numbers have not been exaggerated. . . In Tennessee there are over forty thousand; in all the Southern States about five hundred and fifty thousand men. . . It is a protective, political, military organization. . . The members are sworn to recognize the government of the United States. It does not say anything at all about the government of the State of Tennessee. Its objects originally were protection against the Loyal Leagues and the Grand Army of the Republic; but after it became general it was found that political matters and interests could best be promoted within it, and it was then made a political organization, giving its support . . to the democratic party. . . I

have no powder to burn killing negroes. I intend to kill the radicals. . . There is not a radical leader in this town [Memphis] but is a marked man; and if a trouble should break out, not one of them would be left alive. I have told them that they were trying to create a disturbance, and then slip out and leave the consequences to fall upon the negro. . . Their houses are picketed, and when the fight comes not one of them would ever get out of this town alive. . . If the militia attack us, we will resist to the last; and, if necessary, I think I could raise 40,000 men in five days ready for the field. . . Since its organization the leagues have quit killing and murdering our people. There were some foolish young men who put masks on their faces and rode over the country frightening negroes; but orders have been issued to stop that, and it has ceased. You may say further that three members of the Ku-Klux have been court-martialed and shot for violations of the orders not to disturb or molest people. . . There is a limit beyond which men can not be driven, and I am ready to die sooner than sacrifice my honor. This thing must have an end, and it is now about time for that end to come.

[2] They [the Ku Klux orders] were like the Loyal Leagues, and met occasionally and dispersed again. The Loyal Leagues existed about that time, and I think this was a sort of offset gotten up against the Loyal Leagues. . . I think that organization arose about the time the militia were called out, and Governor Brownlow issued his proclamation stating that the troops would not be injured for what they should do to the rebels; such a proclamation was issued. . . There were a great many northern men coming down there, forming leagues all over the country. The negroes were holding night meetings; were going about; were becoming very insolent, and the southern people all over the State were very much alarmed. I think many of the organizations did not have any name; parties organized themselves so as to be ready in case they were attacked. Ladies were ravished by some of these negroes, who were tried and put in the penitentiary, but were turned out in a few days afterward. There was a great deal of insecurity in

the country, and I think this organization was got up to protect the weak. . . I was getting at that time [1867-68] from fifty to one hundred letters a day and had a private secretary writing all the time. I was receiving letters from all the Southern States, men complaining, being dissatisfied, persons whose friends had been killed, or their families insulted, and they were writing to me to know what they ought to do. . . I think this organization was more in the neighborhood of places where there was danger of persons being molested, or in large negro counties, where they were fearful that the negroes would rise up. . . I do not think it existed at all in the poorer neighborhoods, where there was no danger of insurrection. There were a great many fires at that time, burning of gin-houses, mills, &c.

"The Whites Must and Shall Rule"

House Misc. Doc. no. 154, 41 Cong., 2 Sess., p. 321. This extract from an address of Colonel Alcibiade de Blanc is important since the writer was the Grand Commander of the Knights of the White Camelia in Louisiana. [November 30, 1868]

We had hardly parted with our muskets when we heard the harsh voice of poltroons and speculators, who had kept hidden during the war, and that voice proclaimed . . that we were out of the Union; and that we could re-enter it but on their own terms — and what are they? That we should renounce the rights appertaining to our race, and forever submit to the domination of liberated slaves; that we should consent, not only to be degraded, but to degrade ourselves. . . Had the acceptance, on our part, of negro suffrage and negro supremacy been announced as a condition to the acceptance of our surrender. . . we would have fallen and been buried in the confederate uniform.

The seeds of the most vindictive hostility have been sown in the hearts of the black race. They have been taught to disregard the rights of property, to violate their contracts with us. They have been told that we intend to reduce them back to slavery, and instructed to procure and keep power and lead to slaughter us. What were, in this locality, the counsels imparted by their leaders? . . "If you are not rich enough to buy a

gun or a knife, you rich enough to buy a box of matches, and, with those matches, you can destroy in a few minutes what the whites have labored forty years to win." What were the instructions everywhere given and to be followed by the freedmen, in case a difficulty should occur between them and the whites? "Your wives will remain at your employer's house and kill the women and children. As to you, do not forget it, the order from the government is that you shall commence with the men and stop at the cradle."

We have witnessed the revolting spectacle of excited negroes riding through our streets and on the public roads with guns on their shoulders, revolvers and dirks hanging at their sides, matches in their hands, yelling, cursing, and threatening to shoot down and cut the throats of the whites, to destroy their property. . . There is not a locality in which the negroes have not perpetrated depredations, robberies, arson, rape, and murder, and, in every instance, they have been protected by the villains who have represented us as being ready to resist the laws and the authority of the land. If we have the audacity to defend our flesh against the dirk, and the gun, or defend our property against a firebrand — when the dirk, the gun, and the firebrand are held by a black hand — the oft-rehearsed cry, "the rebels are again in open resistance against the government," is thrown to the four winds of the heavens. That cry awakens every echo of the American Capitol, and alarms the tender and magnanimous heart of every loyalist. . .

We are ruined; every branch of industry is cramped and paralyzed; anxiety, trouble, scarcity, humiliations are at the threshold of every southern home; and a tax — an intolerable, a spoliating tax — threatens to despoil us of the remnants of our property and of the scant fruits of a discouraged and dying industry. It bears heavily on the mansions of the once wealthy and still more heavily on the dwelling of the poor; it spares not the humble cabin of the freedmen. . . Is it reasonable to expect that we will tamely submit to this plunder, this spoliation, and that we will kiss the hands of the robbers of our rights, the murderers of our States? . .

What do we ask? That the nest of the eagles be not surrendered to . . ravens and to the vultures; . . that the purity of the white race be not adulterated and lost; that ten proud and intelligent States be not converted into ten African provinces. This we ask, not as a favor, and on bended knees, but as a right.

2. THE DECLARATIONS OF THE SECRET ORDERS

Organization and Principles of the Ku Klux Klan

Revised and Amended Prescript of the Order of * * *. Extracts. The original Prescript adopted in 1867 provided for the organization, but had no declaration of principles. [1868]

Appellation

This Organization shall be styled and denominated, the Order of the * * *.

Creed

We, the Order of the * * *, reverentially acknowledge the majesty and supremacy of the Divine Being, and recognize the goodness and providence of the same. And we recognize our relation to the United States Government, the supremacy of the Constitution, the Constitutional Laws thereof, and the Union of States thereunder.

Character and Objects of the Order

This is an institution of Chivalry, Humanity, Mercy, and Patriotism; embodying in its genius and its principles all that is chivalric in conduct, noble in sentiment, generous in manhood, and patriotic in purpose; its peculiar objects being

First: To protect the weak, the innocent, and the defenseless, from the indignities, wrongs, and outrages of the lawless, the violent, and the brutal; to relieve the injured and oppressed; to succor the suffering and unfortunate, and especially the widows and orphans of Confederate soldiers.

Second: To protect and defend the Constitution of the United States, and all laws passed in conformity thereto, and to protect the States and the people thereof from all invasion from any source whatever.

Third: To aid and assist in the execution of all constitutional laws, and to protect the people from unlawful seizure, and from trial except by their peers in conformity to the laws of the land.

TITLES

SECTION 1. The officers of this Order shall consist of a Grand Wizard of the Empire, and his ten Genii; a Grand Dragon of the Realm, and his eight Hydras; a Grand Titan of the Dominion, and his six Furies; a Grand Giant of the Province, and his four Goblins; a Grand Cyclops of the Den, and his two Night-hawks; a Grand Magi, a Grand Monk, a Grand Scribe, a Grand Exchequer, a Grand Turk, and a Grand Sentinel.

SEC. 2. The body politic of this Order shall be known and designated as "Ghouls."

TERRITORY AND ITS DIVISIONS

SECTION 1. The territory embraced within the jurisdiction of this Order shall be coterminous with the States of Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Kentucky, and Tennessee; all combined constituting the Empire.

SEC. 2. The Empire shall be divided into four departments, the first to be styled the Realm, and coterminous with the boundaries of the several States; the second to be styled the Dominion and to be coterminous with such counties as the Grand Dragons of the several Realms may assign to the charge of the Grand Titan. The third to be styled the Province, and to be coterminous with the several counties; *provided,* the Grand Titan may, when he deems it necessary, assign two Grand Giants to one Province, prescribing, at the same time, the jurisdiction of each. The fourth department to be styled the Den, and shall embrace such part of a Province as the Grand Giant shall assign to the charge of a Grand Cyclops.

[QUESTIONS TO BE ASKED CANDIDATES]

1st. Have you ever been rejected, upon application for membership in the * * *, or have you ever been expelled from the same?

2d. Are you now, or have you ever been, a member of the Radical Republican party, or either of the organizations known

as the "Loyal League" and the "Grand Army of the Republic?"

3d. Are you opposed to the principles and policy of the Radical party, and to the Loyal League, and the Grand Army of the Republic, so far as you are informed of the character and purposes of those organizations?

4th. Did you belong to the Federal army during the late war, and fight against the South during the existence of the same?

5th. Are you opposed to negro equality, both social and political?

6th. Are you in favor of a white man's government in this country?

7th. Are you in favor of Constitutional liberty, and a Government of equitable laws instead of a Government of violence and oppression?

8th. Are you in favor of maintaining the Constitutional rights of the South?

9th. Are you in favor of the re-enfranchisement and emancipation of the white men of the South, and the restitution of the Southern people to all their rights, alike proprietary, civil, and political?

10th. Do you believe in the inalienable right of self-preservation of the people against the exercise of arbitrary and unlicensed power?

The Knights of the White Camelia

Constitution and Ritual adopted 1869. Extracts. [1869]

PREAMBLE

WHEREAS, Radical legislation is subversive of the principles of the Government of the United States, as originally adopted by our fathers:

And whereas, our safety and our prosperity depend on the preservation of those grand principles and believing that they can be peacefully maintained: Therefore, we adopt the following [constitution somewhat similar to that of the Klan].

[QUESTIONS ASKED THE CANDIDATE]

1. Do you belong to the white race? Ans. — I do.

2. Did you ever marry any woman who did not, or does not, belong to the white race? Ans. — No.

3. Do you promise never to marry any woman but one who belongs to the white race? Ans. — I do.

4. Do you believe in the superiority of your race? Ans. — I do.

5. Will you promise never to vote for any one for any office of honor, profit or trust, who does not belong to your race? Ans. — I do.

6. Will you take a solemn oath never to abstain from casting your vote at any election in which a candidate of the negro race shall be opposed to a white man attached to your principles, unless or prevented by severe illness or any other physical disability? Ans. — I will.

7. Are you opposed to allowing the control of the political affairs of this country to go in whole or in part, into the hands of the African race, and will you do everything in your power to prevent it? A. — Yes.

8. Will you devote your intelligence, energy and influence to the furtherance and propagation of the principles of our Order? A. — I will.

9. Will you, under all circumstances, defend and protect persons of the white race in their lives, rights and property, against all encroachments or invasions from any inferior race, and especially the African? A. — Yes.

10. Are you willing to take an oath forever to cherish these grand principles, and to unite yourself with others who, like you, believing in their truth, have firmly bound themselves to stand by and defend them against all? Ans. — I am.

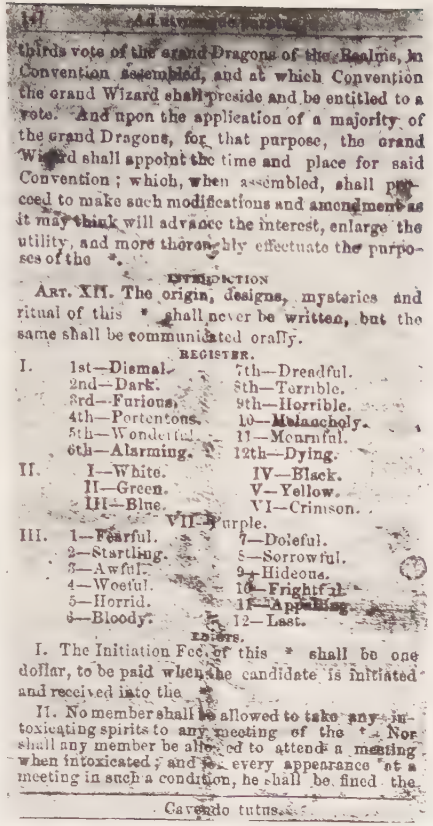
The C[ommander] shall then say: If you consent to join our Association, raise your right hand and I will administer to you the oath which we have all taken: . .

[CHARGE TO INITIATES]

Brothers: You have been initiated into one of the most

important Orders, which have ever been established on this continent: an Order, which, if its principles are faithfully observed and its objects diligently carried out, is destined to regenerate our unfortunate country and to relieve the White Race from the humiliating condition to which it has lately been reduced in this Republic. It is necessary, therefore, that before taking part in the labors of this Association, you should understand fully its principles and objects and the duties which devolve upon you as one of its members.

As you may have already gathered from the questions which were propounded to you, and which you have answered so satisfactorily, and from the clauses of the Oath which you have taken, our main and fundamental object is the MAINTENANCE OF THE SUPREMACY OF THE WHITE RACE in this Republic. History and physiology teach us that we belong to a race which nature has endowed with an evident superiority over all other races, and that the Maker, in thus elevating us above the common standard of human creation, has intended to give us over inferior races, a dominion from which no human laws can permanently derogate. The experience of ages demonstrates that, from the origin of the world, this dominion has always remained in the hands of the Caucasian Race; whilst all the other races have constantly occupied a subordinate and secondary position; a fact which triumphantly confirms this great law of nature. Powerful nations have succeeded each other on the face of the world, and have marked their passage by glorious and memorable deeds; and among those who have thus left on this globe indelible traces of their splendor and greatness, we find none but descended from the Caucasian stock. We see, on the contrary, that most of the countries inhabited by the other races have remained in a state of complete barbarity; whilst the small number of those who have advanced beyond this savage existence, have, for centuries, stagnated in a semi-barbarous condition of which there can be no progress or improvement. And it is a remarkable fact that as a race of men is more remote from the Caucasian and approaches nearer to the black



thirds vote of the grand Dragons of the Realms, in Convention assembled, and at which Convention the grand Wizard shall preside and be entitled to a vote. And upon the application of a majority of the grand Dragons, for that purpose, the grand Wizard shall appoint the time and place for said Convention; which, when assembled, shall proceed to make such modifications and amendments as it may think will advance the interest, enlarge the utility, and more thoroughly effectuate the purposes of the *.

EXHIBITION

ART. XII. The origin, designs, mysteries and ritual of this * shall never be written, but the same shall be communicated orally.

REGISTER.

I.	1st—Dismal.	7th—Dreadful.
	2nd—Dark.	8th—Terrible.
	3rd—Furious.	9th—Horrible.
	4th—Portentous.	10—Melancholy.
	5th—Wonderful.	11—Mournful.
	6th—Alarming.	12th—Dying.
II.	I—White.	IV—Black.
	II—Green.	V—Yellow.
	III—Blue.	VI—Crimson.
	VII—Purple.	
III.	1—Fearful.	7—Doleful.
	2—Startling.	8—Sorrowful.
	3—Awful.	9—Hideous.
	4—Woeful.	10—Frightful.
	5—Horrid.	11—Appalling.
	6—Bloody.	12—Last.

DUES.

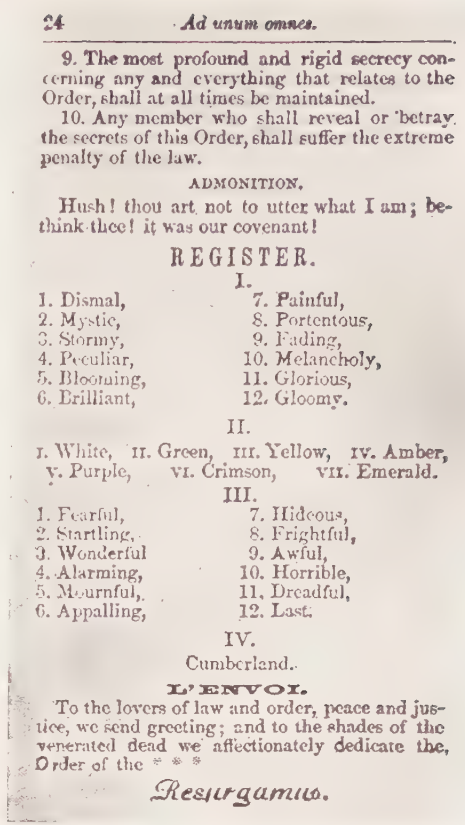
I. The Initiation Fee of this * shall be one dollar, to be paid when the candidate is initiated and received into the *.

II. No member shall be allowed to take any intoxicating spirits to any meeting of the *. Nor shall any member be allowed to attend a meeting when intoxicated; and for every appearance at a meeting in such a condition, he shall be fined the

Cavendo tutus.

FACSIMILE OF PAGE FROM ORIGINAL PRESCRIPT OF KU KLUX KLAN

[*From copy in possession of the Editor*]



24 *Ad unum omnes.*

9. The most profound and rigid secrecy concerning any and everything that relates to the Order, shall at all times be maintained.

10. Any member who shall reveal or betray the secrets of this Order, shall suffer the extreme penalty of the law.

ADMONITION.

Hush! thou art not to utter what I am; bethink thee! it was our covenant!

REGISTER.

I.

1. Dismal,	7. Painful,
2. Mystic,	8. Portentous,
3. Stormy,	9. Fading,
4. Peculiar,	10. Melancholy,
5. Blooming,	11. Glorious,
6. Brilliant,	12. Gloomy.

II.

I. White, II. Green, III. Yellow, IV. Amber, V. Purple, VI. Crimson, VII. Emerald.

III.

1. Fearful,	7. Hideous,
2. Startling,	8. Frightful,
3. Wonderful	9. Awful,
4. Alarming,	10. Horrible,
5. Mournful,	11. Dreadful,
6. Appalling,	12. Last.

IV.

Cumberland.

L'ENVOI.

To the lovers of law and order, peace and justice, we send greeting; and to the shades of the venerated dead we affectionately dedicate the, Order of the * * *

Resurgamus.

FACSIMILE OF PAGE FROM REVISED AND AMENDED PRESCRIPT OF KU KLUX KLAN

[*From copy in possession of the Editor*]

African, the more fatally that stamp of inferiority is affixed to its sons, and irrevocably dooms them to eternal imperfectibility and degradation.

Convinced that we are of these elements of natural ethics, we know, besides, that the government of our Republic was established by white men, for white men alone, and that it never was in the contemplation of its founders that it should fall into the hands of an inferior and degraded race. We hold, therefore, that any attempt to wrest from the white race the management of its affairs in order to transfer it to control of the black population, is an invasion of the sacred prerogatives vouchsafed to us by the Constitution, and a violation of the laws established by God himself; that such encroachments are subversive of the established institutions of our Republic, and that no individual of the white race can submit to them without humiliation and shame.

It, then, becomes our solemn duty, as white men, to resist strenuously and persistently those attempts against our natural and constitutional rights, and to do everything in our power in order to maintain, in this Republic, the supremacy of the Caucasian race, and restrain the black or African race to that condition of social and political inferiority for which God has destined it. This is the object for which our Order was instituted; and, in carrying it out, we intend to infringe no laws, to violate no rights, and to resort to no forcible means, except for purposes of legitimate and necessary defense.

As an essential condition of success, this Order proscribes absolutely all social equality between the races. If we were to admit persons of African race on the same level with ourselves, a state of personal relations would follow which would unavoidably lead to political equality; for it would be a virtual recognition of *status,* after which we could not consistently deny them an equal share in the administration of our public affairs. The man who is good enough to be our familiar companion, is good enough also to participate in our political government; and if we were to grant the one, there could

be no good reason for us not to concede the other of these two privileges.

There is another reason, Brothers, for which we condemn this social equality. Its toleration would soon be a fruitful source of intermarriages between individuals of the two races; and the result of this *miscegenation* would be gradual amalgamation and the production of a degenerate and bastard offspring, which would soon populate these States with a degraded and ignoble population, incapable of moral and intellectual development and unfitted to support a great and powerful country. We must maintain the purity of the white blood, if we would preserve for it that natural superiority with which God has ennobled it.

To avoid these evils, therefore, we take the obligation TO OBSERVE A MARKED DISTINCTION BETWEEN THE TWO RACES, not only in the relations of public affairs, but also in the more intimate dealings and intercourse of private life which, by the frequency of their occurrence, are more apt to have an influence on the attainment of the purposes of the Order.

Now that I have laid before you the objects of this Association, let me charge you specially in relation to one of your most important duties as one of its members. Our statutes make us bound to respect sedulously the rights of the colored inhabitants of this Republic, and in every instance, to give to them whatever lawfully belongs to them. It is an act of simple justice not to deny them any of the privileges to which they are legitimately entitled; and we cannot better show the inherent superiority of our race than by dealing with them in that spirit of firmness, liberality and impartiality which characterizes all superior organizations. Besides, it would be ungenerous for us to undertake to restrict them to the narrowest limits as to the exercise of certain rights, without conceding to them, at the same time, the fullest measure of those which we recognize as theirs; and a fair construction of a white man's duty towards them would be, not only to respect and observe

their acknowledged rights, but also to see that these are respected and observed by others.

From the brief explanation which I have just given you, you must have satisfied yourselves that our Association is not a political party, and has no connection with any of the organized parties of the day. Nor will it lend itself to the personal advancement of individuals, or listen to the cravings of any partisan spirit. It was organized in order to carry out certain great principles, from which it must never swerve by favoring private ambitions and political aspirations. These, as well as all sentiments of private enmity, animosity and other personal feelings, we must leave at the door before we enter this Council. You may meet here, congregated together, men who belong to all the political organizations which now divide, or may divide, this country; you see some whom embittered feuds and irreconcilable hatred have long and widely separated; they have all cast away these rankling feelings to unite cordially and zealously in the labors of our great undertaking. Let their example be to you a useful lesson of the disinterestedness and devotedness which should characterize our efforts for the success of our cause!

Initiation Oath of the White Brotherhood

Ku Klux Report, South Carolina testimony, p. 653. This version was given from memory by a former member. [1871]

YOU solemnly swear in the presence of Almighty God that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.

The '76 Association

Constitution of the '76 Association. A Louisiana organization. [1869]

PREAMBLE

To oppose by all peaceful and lawful means in our power, the usurpations of the Radical party.

To uphold the principles of the United States Constitution as established and interpreted by its framers.

To vindicate the history of the South from the malignant and systematic assaults and aspersions of the Press, Pulpits, and Politicians of the Radical party.

To place before the world the true position of the South during the recent war, and her conditions at the present time.

To form a nucleus around which the true men of the South may rally in contending for these great ends.

To promote the material interests of the South.

And, further, as an auxiliary to this association, to establish and maintain in the City of New Orleans, a newspaper which shall be devoted to the advancement, advocacy, and dissemination of the principles.

The Council of Safety

Ku Klux Report, South Carolina testimony, p. 102. Statement of E. W. Seibels, secretary of the Union Reform party. [1871]

WHAT led to it was this: the manner in which the people had become excited over the election [1870], the arming of the colored people, the insolent manner in which they conducted themselves at the election, the manner in which we had been counted out of the election, and the ballot-boxes had been stuffed. . . The people became so very much excited that we thought we were in imminent danger; we thought a war of races was very probable. Shortly after the election the executive committee of the Union Reform party was called together for consideration, and to that conference was invited a number of . . representative men — from the different portions of the State, to consult for the public good, and to consider what we could do to avert such an awful calamity as a war of races

would be. After a thorough discussion of the matter, . . considering that we were not allowed to organize, and not allowed to have any of the public arms, we thought it absolutely necessary that we should have some sort of organization for the protection of our families. A committee was appointed to draw up a plan of organization, which we believed would afford some sort of protection to the people in case there should be an outbreak. The committee produced what is called "the constitution of the council of safety." It was not submitted to the executive committee and the other gentlemen for several weeks after that. Contrary to our expectations the excitement passed off, the people became comparatively quiet, and not much interest was taken in our plan after we had got it up, because we believed that the crisis had passed, and that it was hardly worth while to organize at all. When the manuscript of that "council of safety" was read to me, I was very unwell at the time and suggested no amendments to it. It did not meet my approbation, inasmuch as I thought it was too complicated, that there was too much detail about it, and I did not think it would take on that account. It was published, however, and I sent it to a number of the counties.

Young Men's Democratic Club

Ku Klux Report, vol. xiii, p. 227. Statement of J. J. Williams of Florida, president of the club. This organization also existed in Virginia. [1871]

THE cause of this organization was this: After the election . . there were a great many frauds committed there at Tallahassee in respect to the ballot box; the white people, who in the county numbered about one to seven of the colored people, were not allowed to vote; were crowded out from the polls. The colored people were brought up there in squads of from eight to ten and fifteen deep, and from one to two hundred yards long, and it was really worth your life to go in there. In that state of affairs this organization was got up. . .

On the days of election . . I myself, as the chief, gave

instructions to the commanders of hundreds; they gave their instructions to commanders of fifties, and they to the commanders of tens; that on the day of election order must be maintained at all hazards. If a man belonging to the club appeared at the polls with secret arms he must be arrested and confined until the election was over; if he appeared there in liquor it was the same; and consequently we had perfect order at elections. . .

Before the war, years ago, we had here a very similar process; it never has been resorted to since, but that was twenty-five or thirty years ago. We had down in this country what was called regulators. Whenever they notified a man to leave he left. If it had not been for this organization, with the men at the head of it, we could not have been protected . . from the colored people, and from the men who were urging them on.

A Defensive Organization

Ku Klux Report, Alabama testimony, p. 1487. Statement of J. J. Garrett, Demopolis, Alabama. There were hundreds, perhaps, of orders like this one. [1871]

THERE were no oaths, that I remember, except a promise to obey the signals that would have called the parties together; they were to meet at the ringing of the bell; to meet armed, without disguises; a captain was elected. . . Threats were . . made to burn the town. We felt that it was incumbent upon us to protect the women and children of the town; to have an organization upon which we could rely. We did have an organization, and provision was made for its being armed, and for our meeting promptly with our arms at a certain place. We had officers. The purpose was the protection of property and lives, and the safety of the citizens of the place. We had no signal except the ringing of the bell, to get together.

The White League

House Report no. 101, 43 Cong., 2 Sess., part ii, pp. 194, 213. Extracts (1) from the Constitution of the Crescent City White League, and (2) from the Louisiana White League platform. [1874]

[1] THE object of this club is to assist in restoring an honest and intelligent government to the State of Louisiana; to drive incompetent and corrupt men from office; and by a union with all other good citizens, the better to maintain and defend the constitution of the United States, with all laws made in pursuance thereof; and to maintain and protect and enforce our rights, and the rights of all citizens thereunder.

[2] From the time that the right of suffrage was . . accorded too hastily to a race in the infancy of freedom, we firmly resolved that it was our duty, and a wise expediency, to accept the policy of the reconstruction laws in their full scope. We endeavored at once to address ourselves to the intelligence of the negro, to explain to him that slavery having been forever abolished, he, as a citizen possessing all the rights of white citizens, had the same interests, and the same duties as the white men. . . We invited him to our meetings, we called him to our platforms, we placed some of them upon our tickets. Election after election they turned a deaf ear to us; treated all our advances with distrust and suspicion; unhesitatingly followed the leadership of men whom they knew to be unworthy and dishonest, and, with scarcely an exception invariably voted like a body of trained soldiers obeying a word of command. We still hoped that time and experience would give them discretion. . . We thought that a right which they owed to the white race would not be persistently used by them to accomplish the ruin of the white men. In this hope we have been most grievously disappointed. . .

Any one who has been to their meetings, or overheard their private conversations, knows that they dream of the gradual exodus of the whites, which will leave Louisiana to their exclusive control, like another Hayti. The increasing spirit of caste founded on the most absurd inversion of the relations of race, shows itself in every form. Their incessant demands for of-

fices from the State, city, and Federal Government, for which they are unfit, and to which they have no title other than the color of their skins; the development in their conventions of a spirit of proscription against white radicals and even against honorable republicans who fought in the northern armies for their liberation; their increasing arrogance, which seems to know no bounds; their increasing dishonesty, which they regard as statesmanly virtue; their contemptuous scorn of all the rights of the white man which they dare to trespass upon, all these signs warn us that the calamity which we had long apprehended is now imminent, and that we must prepare for all its consequences. Disregarding all minor questions of principle or policy, and having solely in view the maintenance of our hereditary civilization and Christianity menaced by a stupid Africanization, we appeal to the men of our race, of whatever language or nationality, to unite with us against that supreme danger. A league of the whites is the inevitable result of that formidable, oath-bound, and blindly obedient league of the blacks, which, under the command of the most cunning and unscrupulous negroes in the State, may at any moment plunge us into a war of races. . . It is with some hope that a timely and proclaimed union of the whites as a race, and their efficient preparation for any emergency, may arrest the threatened horrors of a social war, and teach the blacks to beware of further insolence and aggression, that we call upon the men of our race to leave in abeyance all lesser considerations; to forget all differences of opinions and all race prejudices of the past, and with no object in view but the common good of both races, to unite with us in an earnest effort to re-establish a white man's government in the city and the State.

3. THE METHODS AND WORK OF THE SECRET ORDERS

"Regulators, Jayhawkers, Black-horse Cavalry"

Senate Ex. Doc. no. 6, 39 Cong., 2 Sess., p. 55. From report of Gen. Davis Tillson, head of Freedmen's Bureau in Georgia. These were early organizations. [November 1, 1866]

BANDS of men styling themselves "Regulators," "Jayhawkers," and "Black-horse cavalry," have infested different parts of the State, committing the most fiendish and diabolical outrages on the freedmen. I am unaware of a single instance in which one of these villains has been arrested and brought to trial by the civil authorities. . . I am led to believe that, in some instances, the civil authorities and well disposed citizens have been overawed by these organizations. In others, I fear the civil authorities have sympathized with them. Whenever they have neglected or refused to act, troops have been dispatched to arrest the guilty parties; but, as the outlaws are usually well mounted, have the sympathy of more or less of the inhabitants, are familiar with the country, and have numerous opportunities for concealment, they generally escape.

The Transformation of the Klan

Lester and Wilson, *Ku Klux Klan*, p. 34. Copyright 1884, 1905. Used by permission. Lester was one of the founders of the Klan, which began as a social club. [1866-1868]

THE prevalent idea was that the Klan contemplated some great and important mission. This idea aided in its rapid growth. And on the other hand the rapid extensions of the Klan confirmed this idea of its purposes. When admitted to membership this conclusion, in the case of many, was deepened rather than removed by what they saw and heard. There was not a word in the ritual or in the obligation or in any part of the ceremony to favor such a conclusion; but the impression still remained that this mysteriousness and secrecy, the high sounding titles of the officers, the grotesque dress of the members,

and the formidable obligation, all meant more than mere sport. This impression was ineradicable, and the attitude of many of the members continued to be that of expecting great developments. Each had his own speculations as to what was to be the character of the serious work which the Klan had to do. But they were satisfied that there was such work. It was an unhealthy and dangerous state of mind for men to be in; bad results in some cases very naturally followed from it.

The impression made by the Klan on the public was the second cause which contributed to its transformation into a band of Regulators. When the meetings first began to be held in the dilapidated house on the hill, passers-by were frequent. Most of them passed the grim and ghostly sentinel on the roadside in silence, but always with a quickened step. Occasionally one would stop and ask: "Who are you?" In awfully sepulchral tones, the invariable answer was: "A spirit from the other world. I was killed at Chickamaugua." Such an answer, especially when given to a superstitious negro, was extremely terrifying. . . There came from the country similar stories. The belated laborer, passing after nightfall, some lonely and secluded spot, heard horrible noises and saw fearful sights. These stories were repeated with such embellishments as the imagination of the narrator suggested, till the feeling of the negroes and of many of the white people, at mention of the Ku Klux Klan, was one of awe and terror.

In a short time the Lictor of the Pulaski "den" reported that travel along the road on which he had his post had almost entirely stopped. In the country it was noticed that the noctural perambulation of the colored population diminished, or entirely ceased wherever the Ku Klux appeared. In many ways there was a noticeable improvement in the habits of a large class who had hitherto been causing great annoyance. In this way the Klan gradually realized that the most powerful devices ever constructed for controlling the ignorant and superstitious were in their hands. . . Each week some new incident occurred to illustrate the amazing power of the unknown over the minds of men of all classes. Circumstances

made it evident that the measures and methods employed for sport might be effectually used to subserve the public welfare — to suppress lawlessness and protect property. When propositions to this effect began to be urged, there were many who hesitated, fearing danger. The majority regarded such fears as groundless. They pointed to the good results which had already been produced. The argument was forcible. . . The very force of circumstances had carried the Klan away from its original purpose. So that in the beginning of the summer of 1867 it was virtually, though not yet professedly, a band of regulators, honestly, but in an injudicious and dangerous way, trying to protect property and preserve peace and order. . .

But there were two causes of vexation and exasperation which the people were in no good mood to bear. One of these causes related to that class of men who, like scum, had been thrown to the surface in the great upheaval. . . The majority of the class . . had played traitor to both sides, and were Union men now only because that was the successful side. And worse than all they were now engaged in keeping alive discord and strife between the sections, as the only means of preventing themselves from sinking back into the obscurity from which they had been upheaved. Their conduct was malicious in the extreme and exceedingly exasperating. These men were "a thorn in the flesh" of the body, politic and social. . .

The second disturbing element was the negroes. . . They were not only unfitted for the cares of self-control, and maintenance so suddenly thrust upon them, but many of them entered their new role in life under the delusion that freedom meant license. They regarded themselves as freedmen, not only from bondage to their former masters, but from the common and ordinary obligations of citizenship. Many of them looked upon obedience to the laws of the State . . as in some measure a compromise of the rights with which they had been invested. The administration of civil law was only partially re-established. On that account, and for other reasons, there was an amount of disorder and violence prevailing over the

country which has never been equaled at any period of its history. If the officers of the law had had the disposition and ability to arrest all lawbreakers, a jail and court-house in every civil district would have been required.

The depredations in property by theft and by wanton destruction for the gratification of petty revenge, were to the last degree annoying. A large part of these depredations was the work of bad white men, who expected that their lawless deeds would be credited to the negroes. But perhaps the most potent of all causes which brought about this transformation was the existence in the South of a spurious and perverted form of the "Union League." . . It is a part of the history of those times that there was a widespread and desperately active organization called the "Union League." It was composed of the disorderly element of the negro population, and was led and controlled by white men of the basest and meanest type just now referred to. They met frequently, went armed to the teeth, and literally "breathed out threatening and slaughter." They not only uttered, but in many instances executed the most violent threats against the persons, families and property of men, whose sole crime was that they had been in the Confederate army. It can not be truthfully denied that the Ku Klux committed excesses and were charged with wrong doing. But they were never guilty of the disorderly and unprovoked deeds of deviltry, which mark the history of the Southern "Union League." It was partly, I may say chiefly, to resist this aggressive and belligerent organization that the Ku Klux transformed themselves into a protective organization.

Whatever may be the judgment of history, those who know the facts will ever remain firm in the conviction that the Ku Klux Klan was of immense service at this period of Southern history. Without it, in many sections of the South, life to decent people would not have been tolerable. It served a good purpose. Wherever the Ku Klux appeared the effect was salutary. For a while the robberies ceased. The lawless class assumed the habits of good behavior. The "Union League"

relaxed its desperate severity and became more moderate. Under their fear of the dreaded Ku Klux, the negroes made more progress, in a few months, in the needed lessons of self-control, industry, and respect for the rights of property and general good behavior, than they would have done in as many years, but for this or some equally powerful impulse.

Ku Klux Costume

Outrages in the Southern States, pp. 2, 9. Statement of Joseph W. Holden, son of Governor Holden. [1871]

THE costume is a long gown with loose flowing sleeves, with a hood, in which the apertures for the eyes, nose and mouth are trimmed with some red material. The hood has three horns, made out of some common cotton-stuff, in shape something like candy bags, stuffed, and wrapped with red strings, the horns standing out on the front and the sides of the hood. When a costume is worn by a person he is completely disguised by it. He does not speak in his natural tone of voice, and uses a mystical style of language, and is armed with a revolver, a knife, or a stick. In some instances where they have ridden through neighborhoods they have disguised their horses so that even they should not be recognized. . . It is a large loose gown, covering the whole person quite closely, buttoned close around and reaching from the head clear down to the floor, covering the feet and dragging on the ground. It is made of bleached linen, starched and ironed, and in the night, by moonlight, it glitters and rattles. Then there is a hood with holes cut in for eyes, and a nose, six or eight inches long, made of cotton cloth, stuffed with cotton, and lapped with red braid half an inch wide. The eyes are lined with the braid, and the eyebrows are made of the same. The cloth is lined with red flannel. Then there is a long tongue sticking out about six inches, made of red flannel also, and so fixed that it can be moved about by the man's tongue. Then in the mouth are large teeth that are very frightful. Then under the tongue is a leather bag placed inside, so that when the man calls for water he pours it inside the bag and not into his mouth at all.

Spreading News of the Klan

House Misc. Doc. no. 154, 41 Cong., 2 Sess., p. 542, from the *Planters' Banner* (Louisiana), May 23, 1868. An example of the manner in which the Klan was reported by the Southern newspapers. [1868]

THERE is much excitement among the negroes and even some of the white folks, all over Attakapas, about the Ku-Kluxes that have lately appeared in this country. I am not superstitious, and will not tell you what I believe about these strange, ghostly appearances, but will give you some general items and rumors.

The negroes have entirely deserted one prairie in Attakapas since the election, having been run out by the Ku-Kluxes.

The negroes of Lafayette parish were lately nearly all of them preparing to leave, the K. K. K.'s having frightened them every night, and carried off a carpet-bagger from Illinois. One negro, a big-talking radical, somewhere in the parish of St. Martin, was lately carried off by these confederate ghosts, at night, and has never been heard of since.

A night traveler called at the negro quarters, somewhere in Attakapas, and asked for water. After he had drunk three blue buckets full of good cistern water, at which the negro was much astonished, he thanked the colored man and told him he was very thirsty, that he had travelled nearly a thousand miles in twenty-four hours, and that was the best drink of water he had since he was killed at the battle of Shiloh. The negro dropped the bucket, tumbled over two chairs and a table, escaped through a back window, and has not since been heard from. He was a radical negro.

White men on white horses have lately been seen sailing through the air at midnight at Pattersonville, Jeanerette, and at various places all over the southern part of this State.

If negroes attempt to run away from the K. K. K.'s, these spirits always follow them, and catch them, and no living man hears from them again.

The leader of this new order is said to be perfectly terrible. He is ten feet high and his horse is fifteen. He carries a lance and a shield like those of Goliath of the Philistines. . .

Attakapas, May 20, 1868. K. K. K.

A Ku Klux Order

Tuscaloosa (Alabama), *Independent Monitor*, April, 1868. This order was written by Ryland Randolph, posted on the streets, and later published in his paper, the *Monitor*. Part of the order is in cypher. The rest has no meaning. [1868]

KU KLUX

Hollow Hell. Devil's Den, Horrible Shadows. Ghostly Sepulchre. Head Quarters of the Immortal Ate of the K. K. K. Gloomy Month. Bloody Moon. Black Night. Last hour.

GENERAL ORDERS No. 3.

Shrouded Brotherhood! Murdered heroes!

Fling the bloody dirt that covers you to the four winds! Erect thy Goddess on the banks of the Avernus. Mark well your foes! Strike with the redhot spear! Prepare Charon for his task!

Enemies reform! The skies shall be blackened! A single Star shall look down upon horrible deeds! The night owl shall hoot a requiem o'er Ghostly Corpses!

Beware! Beware! Beware!

The Great Cyclops is angry! Hobgoblins report! Shears and lash!

Tar and Feathers! Hell and Fury!

Revenge! Revenge! Revenge!

Bad men! white, black, yellow, repent!

The hour is at hand! Be ye ready! Life is short! J. H. S. Y. W!!

Ghosts! Ghosts!! Ghosts!!!

Drink thy tea made of distilled hell, stirred with the lightning of heaven, and sweetened with the gall of thine enemies!

All will be well!!!

By order of the Great
BLUFUSTIN
G. S. K. K. K.

A true copy
Peterloo
P. S. K. K. K.

A Ku Klux Parade

Lester and Wilson, *Ku Klux Klan*, p. 61. Copyright 1884, 1905. Used by permission. This parade was in Pulaski, Tennessee. [1868]

ON the morning of the 4th of July, 1867, the citizens of Pulaski found the sidewalks thickly strewn with slips of paper bearing the printed words: "The Ku Klux will parade the streets tonight." This announcement created great excitement. The people supposed that their curiosity, so long baffled, would now be gratified. They were confident that this parade would at least afford them the opportunity to find out who were the Ku Klux.

Soon after nightfall the streets were lined with an expectant and excited throng of people. . . The members of the Klan in the country left their homes in the afternoon and traveled alone or in squads of two or three, with their paraphernalia carefully concealed. . . After nightfall they assembled at designated points near the four main roads leading into town. Here they donned their robes and disguises and put covers of gaudy materials on their horses. A sky-rocket sent up from some point in the town was the signal to mount and move. The different companies met and passed each other on the public square in perfect silence; the discipline appeared to be admirable. Not a word was spoken. Necessary orders were given by means of the whistles. In single file, in death-like stillness, with funeral slowness, they marched and countermarched throughout the town. While the column was headed North on one street it was going South on another. By crossing over in opposite directions the lines were kept up in almost unbroken continuity. The effect was to create the impression of vast numbers. This marching and counter-marching was kept up for about two hours, and the Klan departed as noiselessly as they came. . .

The efforts of the most curious and cunning to find out who were Ku Klux failed. One gentleman from the country, a great lover of horses, who claimed to know every horse in the county, was confident that he would be able to identify the

KU KLUX COSTUMES IN NORTH CAROLINA

[*From engraving (after a photograph) in G. B. Raum's "The Existing Conflict," and used by permission. The original photograph was made in 1870 for J. G. Hester, deputy U. S. Marshal in North Carolina, who captured the disguises.*]

riders by the horses. . . During a halt of the column he lifted the cover of a horse that was near him . . and recognized his own steed and saddle upon which he had ridden into town. The town people were on the alert also to see who of the young men of the town would be with the Ku Klux. All of them, almost without exception, were marked, mingling freely and conspicuously with the spectators. Those of them who were members of the Klan did not go into the parade.

This demonstration had the effect for which it was designated. Perhaps the greatest illusion produced by it was in regard to the numbers participating in it. . . [Some] were confident that the number was not less than three thousand. Others, whose imaginations were more easily wrought upon, were quite certain there were ten thousand. The truth is, that the number of Ku Klux in the parade did not exceed four hundred. This delusion in regard to numbers prevailed wherever the Ku Klux appeared. . .

The Klan had a large membership; it exerted a vast, terrifying and wholesome power; but its influence was never at any time dependent on, or proportioned to, its membership. It was in the mystery in which the comparatively few enshrouded themselves. Gen. Forest, before the Investigating Committee, placed the number of Ku Klux in Tennessee at 40,000, and in the entire South at 550,000. . . Careful investigation leads to the conclusion that he overshoots the mark in both cases. It is an error to suppose that the entire male population of the South were Ku Klux, or that even a majority of them were privy to its secrets and in sympathy with its extremest measures. To many of them, perhaps to a majority, the Ku Klux Klan was as vague, impersonal and mysterious as to the people of the North, or of England. They did attribute to it great good and to this [day] remember with gratitude the protection it afforded them in the most trying and perilous period of their history, when there was no other earthly source to which to appeal.

One or two illustrations may here be given of the methods resorted to to play upon the superstitious fears of the negroes

and others. At the parade in Pulaski, while the procession was passing a corner on which a negro man was standing, a tall horseman in hideous garb turned aside from the line, dismounted and stretched out his bridle rein toward the negro, as if he desired him to hold his horse. Not daring to refuse, the frightened African extended his hand to grasp the rein. As he did so, the Ku Klux took his own head from his shoulders and offered to place that also in the outstretched hand. The negro stood not upon the order of his going, but departed with a yell of terror. To this day he will tell you: "He done it, suah, boss. I seed him do it." The gown was fastened by a drawstring over the top of the wearer's head. Over this was worn an artificial skull made of a large gourd or of pasteboard. This with the hat could be readily removed, and the man would then appear to be headless. Such tricks gave rise to the belief — still prevalent among the negroes — that the Ku Klux could take themselves all to pieces whenever they wanted to.

Some of the Ku Klux carried skeleton hands. These were made of bone or wood with a handle long enough to be held in the hand, which was concealed by the gown sleeve. The possessor of one of these was invariably of a friendly turn and offered to shake hands with all he met, with what effect may be readily imagined.

A trick of frequent perpetration in the country was for a horseman, spectral and ghostly looking, to stop before the cabin of some negro needing a wholesome impression and call for a bucket of water. If a dipper or gourd was brought it was declined, and the bucket full of water demanded. As if consumed by raging thirst the horseman grasped it and pressed it to his lips. He held it there till every drop of the water was poured into a gum or oiled sack concealed beneath the Ku Klux robe. Then the empty bucket was returned to the amazed negro with the remark: "That's good. It is the first drink of water I have had since I was killed at Shiloh." Then a few words of counsel as to future behavior made an impression not easily forgotten or likely to be disregarded. Under ordinary

circumstances such devices are unjustifiable. But in the peculiar state of things then existing they served a good purpose. It was not only better to deter the negroes from theft and other lawlessness in this way than to put them in the penitentiary; but it was the only way, at this time, by which they could be controlled. The jails would not contain them. The courts could not or would not try them. The policy of the Klan all the while was to deter men from wrong doing. It was only in rare exceptional cases, and these the most aggravated, that it undertook to punish.

Influence in the Elections

House Misc. Doc. no. 12, 41 Cong., 1 Sess., p. 14. Statement of a Louisiana Radical. [1869]

THERE were numerous secret political organizations of the democratic party throughout the parish, [New Iberia] known . . as the "Ku Klux Klans," whose objects were to intimidate the republicans and prevent them from voting at all, unless they would vote the democratic ticket. These organizations were armed with fire-arms and patrolled the parish night and day, committing murders and outrages upon the republicans, and produced such terror and alarm among the freedmen and others belonging to the republican party that it was unsafe for them to hold meetings. . . It was utterly impossible to distribute republican tickets among the voters of the parish without danger of being mobbed and killed. . . Witness knows of a great many freedmen who were republicans, and who desired to vote the republican ticket, who were, by violence, fraud, and intimidation, compelled to vote the democratic ticket. . . Before and on the day of the election the principal roads in the parish leading to the different places of voting were patrolled by armed men of these Klans for the purpose of intercepting republicans going to vote; and, in many instances, plantations where freedmen were employed were guarded by armed men to prevent the freedmen from going to the polls.

Negro Officials Ordered to Resign

Ku Klux Report, South Carolina testimony, p. 1096. [1871]

K. K. K.

HEADQUARTERS; NINTH DIVISION, S. C.,

Special Orders No. 3, K. K. K.

"Ignorance is the curse of God." For this reason we are determined that the members of the legislature, the school commissioner, and the county commissioners of Union shall no longer officiate. Fifteen (15) days' notice from this date is therefore given and if they, *one and all,* do not *at once and forever resign* their present inhuman, disgraceful, and outrageous rule, then retributive justice will as surely be used as night follows day.

Also, "An honest man is the noblest work of God." For this reason, if the clerk of the said board of county commissioners and school commissioners does not *immediately* renounce and relinquish his present position, then harsher measures than these will most assuredly and *certainly* be used.

For confirmation, reference to the orders heretofore published in the *Union Weekly Times* and *Yorkville Enquirer* will more fully and completely show our intention.

A. O., *Grand Secretary.*

March 9, 1871.

Ku Klux Discipline

Ku Klux Report, South Carolina testimony, p. 436. A negro's statement. [1871]

THEY came to my door and they said "Hey!" I was asleep. They called, "Hey, hey!" My wife says, "Lewis listen." . . "What are you doing there?" I says; and they said, "By Christ, come out; I will show you what I am doing." . . and I got up and sat on the bed, with my legs hanging out, and peeped out . . They says, "Lewis, by Christ, arn't you going to get up and open the door?" . . I spoke and said, "What do you want; do you want to whip me?" I have done nothing to be whipped; . . He says, "By Christ, open the door; I will tell you by Christ, what I am to whip you for." I

hung down my head and studied, and said, "I have done nothing to be whipped for; and I don't think I can open the door." My wife jumped up to open the door; they said, "Open the door, Adeline;" . . They said, "Lewis, you get up and come out." . . After so long a time I went to the door. . . Then one come running right up to me, a great big fellow . . he says, "Come down on the ground, by Christ, among your friends!" I says, "I can do that and let the trouble be over with; short or long, let it be over with," and out on the ground I went. Says he, "How did you vote?" I says, "I voted the radical ticket." "You has, sir?" he says. I says, "Yes, sir." "Well, by Christ," says he, "Ain't you had no instruction?" I says, "I can't read, and I can't write, and I can't much more than spell." . . I says, "How can a black man get along without there is some white gentleman or other with them? We go by instructions. We don't know nothing much." "O, by Christ," says he, "you radicals go side by side with one another, and by Christ us democrats go side and side with one another." I says, "I can't help that." He says, "You can't by Christ." I says, "No sir; I can't." He says, "Well, sir, are you going up in the morning to see to your crop, and go to work?" I says, "Just as quick as I get my breakfast I am going." He says, "Is you tending to your crop?" I says, "Yes, I am." He says, "Is there any grass in your crop?" I says, "Yes, a little; according to the chances, I had a little grass there." He says, "By Christ, you have got to tend to the crop." I says, "I am tending to it." I says, "When I get out of corn and out of meat both, and anybody has got corn and meat, I jump out and work for a bushel of corn and a piece of meat, and work until I get it."[1] . . I says, "What do you want to whip me for? I have done nothing." "Come out in the road," he says. I stopped and studied and hung down my head. "I can't study up nothing," I said, "for what you ought to whip me." They said, "You didn't think about this when you voted the radical ticket." One of them threw a pistol right up here under my chin, and one grabbed

1. This was and is still a custom of negro share tenants — to neglect their own crops and work elsewhere for cash or supplies.

me by the sleeve, and he says, "You must come." I says, "I can come without holding, I reckon, but it is mighty hard to take a whipping for nothing; the gentleman on the plantation . . says I am a good hand; . . and anybody that wants to know whether I am a good hand or not needs no more than to go and look at my crop." He says . . "Get in the road and march," and in the road I went. They took me up the road pretty near to the edge of the woods; . . Says he, "Off with your shirt." I says, "What do you all want to whip me for; what have I done?" "By Christ," he says, "Off with your shirt; if you don't you shall go dead. We come from Manassas grave-yard; and by Christ we want to get back to our grave-yard and cover up before day, by Christ." . . I threw my shirt off. The one talking to me says, "You must hit him forty;" the other says, "thirty will do him." He says, "Now Lewis, by Christ, you get down on your knees." I says, "It is hard to get down on my knees and take a whipping for nothing." Then I dropped down. He says, "By Christ, don't you get up until we get done with you." They set to work on me and hit me ten or fifteen licks pretty keen, and I raised up. "Get down," he says; "if you ever raise up again you'll go dead before we quit you." Down I went again, and I staid down until they got done whipping me. Says he, "Now, by Christ, you must promise you will vote the democratic ticket?" I says, "I don't know how I will vote; it looks hard when a body thinks this way and that way to take a beating." . . "You must promise to vote the democratic ticket, or you go dead before we leave you," he says. Then I studied and studied. They gathered right close up around me. "Come out with it — come, out with it, by Christ." Then I says, "Yes, sir, I reckon so." . . Well, after I told them that, they said, "By Christ, now get up and put on your shirt." . . I stopped and studied, and had to put on my shirt. "Now," he says, "by Christ, you go; we are done with you; . . if you let it get out you must go dead for it all; I will come back." I says, "Yes," and back I went to my house, and off they went.

"A Decent Man is Safer"

Ku Klux Report, South Carolina testimony, p. 57. Statement of D. H. Chamberlain, attorney general, later governor, of South Carolina, Radical. [1871]

I THINK the class who have suffered most from Ku-Klux outrages have been all bad office-holders. . . I think . . that . . the ground of the Ku-Klux movement was political. But I think it has been greatly aggravated by the misconduct of the republican party. . . I think that in South Carolina a man is safer — I feel bound to say that, as bad as the Ku-Klux may be — I think that a man is safer in their hands if he conducts himself decently.

4. THE KLANS OUTLAWED

Anti-Kuklux Statute

Acts of Alabama, 1868, p. 444. The other reconstructed states passed similar laws. For federal legislation see the Enforcement Acts, pp. 102-123. [1868]

WHEREAS, There is in the possession of this General Assembly ample and undoubted evidence of a secret organization in many parts of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers and other deadly weapons, do issue from the places of their rendezvous, in bands of greater or less number, on foot or mounted on horses, in like manner disguised, generally in the late hours of the night, to commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses, tearing them from their homes, and the embrace of their families, and with violent threats and insults, inflicting on them the most cruel and inhuman treatment; and whereas, this organization has become a widespread and alarming evil in this commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many places overriding the civil authorities, defying all law and justice, or evading detection by the darkness of night, and with their hideous costumes; therefore

Section 1. *Be it enacted* . . That any person appearing away from his home by night or by day, in company with others, or alone, wearing a mask, or disguised in other costume, or both, shall be held guilty of a high crime and misdemeanor, and on conviction shall be fined in the sum of one hundred dollars and be imprisoned in the county jail not less than six months nor more than one year, at the discretion of the court having jurisdiction of the same.

Sec. 2. . . Any such [disguised] person . . shall be held guilty of a felony, and his disguise shall be sufficient evidence of his evil intent and of his guilt, and on conviction shall be fined one thousand dollars, and be imprisoned in the peniten-

tiary not less than five years nor more than twenty years at the discretion of the court trying the same; and any one who may shoot, or in any way kill or wound such person, while under the cover of such disguise, and while in the act of committing, or attempting or otherwise to commit such violence or trespass, shall not be held guilty before the law of any offense against such person or the State, or be made to suffer any penalty for such act.

Sec. 3. . . If any person or persons so disguised, or without disguise, shall unlawfully and with force, demolish, pull down, or destroy by fire or otherwise, or begin to demolish, pull down, or set fire to, or destroy any church, or chapel, or meeting house, for religious worship, or school house, or other building used or intended for educational purposes, or any other building used for private or public use, shall be guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary not less than ten nor more than twenty years, at the discretion of the court trying the same. . .

Sec. 6. . . [If] any magistrate, to whom any complaint is made, or designated in section five of this act, or any sheriff or other officer, shall refuse or neglect to perform the duty required of such magistrate or officer, by this act, shall, on conviction, thereby forfeit his office, and shall be fined the sum of five hundred dollars.

Martial Law in Tennessee

Senate Doc. no. 209, 57 Cong., 2 Sess., p. 118. Proclamation of Governor Brownlow, January 20, 1869. This calling out of the militia resulted in the overthrow of the Radical government at the polls and the central organization of the Klan then disbanded. [1869]

WHEREAS, there exists in middle and west Tennessee lawless bands who set at defiance civil law, and in certain localities render it impossible for civil officers to enforce the laws of the State; and whereas, those masked villains, called Ku-Klux, are taking prisoners from jails and hanging them without trial, and are abducting passengers from railroad trains and notifying conductors of Northern birth to leave the State, thus having driven four conductors from one road, . . and whereas,

certain ambitious men have made incendiary speeches, advising the overthrow of the State government, thereby encouraging these bands; and whereas, certain rebel newspapers have encouraged these men by denying the existence of the Ku-Klux by ridiculing their acts, and failing to condemn them; and whereas the legislature has amended the militia law and given me authority to meet such outrages: Now, therefore, I, William G. Brownlow, governor of Tennessee, do call upon all good and loyal citizens to enter the ranks of the State guards, be mustered into service, and aid in suppressing lawlessness. Those enrolling in east Tennessee will be transported to Nashville and armed and placed under the command of Gen. James A. Cooper.

Another proclamation will be duly issued designating the counties in which I shall declare martial law, the effect of which will be to set aside civil law and turn over offenders to the military to be tried and punished summarily. These outrages have been long borne, but the executive is not to be cajoled or trifled with. The citizens are warned against harboring any Ku-Klux. The governor will make the guards numerous and effective enough to make middle and west Tennessee as orderly and quiet as east Tennessee is today.

XIII

THE UNDOING OF RECONSTRUCTION

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THE UNDOING OF RECONSTRUCTION

INTRODUCTION

A YEAR before Georgia was finally reconstructed the undoing of Reconstruction began with the re-enfranchisement (1869) of ex-Confederates in Tennessee and the consequent transfer of the state government to them. The border states began to go Democratic in 1870 and in that year North Carolina and Virginia returned to the control of the Conservative whites, while Georgia followed a year later. The Ku Klux movement greatly aided in the recovery of these states, and also assisted the whites in the other states to regain control of the white counties; so that after 1871 although the reconstructionists held seven state governments, within those states they controlled only in the black counties, the majorities from the black districts overcoming the majorities from the white counties.

As the Reconstruction governments grew more corrupt the better class of whites deserted the Radical party, leaving only from 3,000 to 5,000 whites, principally office holders, in each state to organize and control the blacks. Sympathy for the South grew in the North and the Democrats carried several states. But the Southern Radicals were now greatly aided by the Enforcement laws and by Federal control of elections. Disputed elections and dual governments were always decided in favor of the Radicals. Consequently by 1874 the whites were exasperated to the point of rebellion. In this year there was a revolution in Louisiana,[1] and revolutionary elections in Ala-

1. See p. 144.

bama, Arkansas, and Texas gave control to the whites. These successes were made possible only by the use of extreme methods by the whites — intimidation, force, social and business ostracism, purchase of votes, drawing the color line, discharge from employment, forced resignations, the "shot gun plan," and "Rifle Clubs." Most of these were simply carpetbag methods adopted by the whites, but the whites were at a disadvantage in not having the support of the Federal troops and marshals, and in not being able to use fraud in counting ballots. Conservative intimidation checked Radical intimidation and made it possible for a few thousand negroes in each state to vote with the whites. The disputed election of 1876 gave the opportunity to the Southern whites to make a "bargain" by which the troops were withdrawn from the South in return for the election of Hayes. South Carolina, Louisiana and Florida then drove out the Radical officials. The South, now "solid," proceeded to eliminate the negro from politics by the use of the election and registration laws, and other methods that the Radicals had used, and by new schemes, until finally the negro vote was either suppressed or brought mainly under Democratic control. Meanwhile individual amnesty acts and the Amnesty Act of 1872 restored the franchise to most of the whites. The use of the army in elections was forbidden by law in 1878 and 1880. No appropriations were made for deputy marshals at elections, and in 1894 the statutes providing for Federal supervision of elections were repealed. The United States Supreme Court aided in the undoing of Reconstruction Acts by interpreting the Fourteenth and Fifteenth Amendments as applying to violations by states, not by individuals. Consequently the Enforcement Acts were gotten out of the way. The Civil Rights Act was also declared to

relate to matters not under the control of Congress. So within eight years after the initiation of the Congressional plan of Reconstruction, all of the carpetbag and negro State governments, though strongly supported by the Washington administration, gave place to control by the whites; and within another eight-year period, the most important of the Enforcement laws were declared unconstitutional or were repealed, and the Federal control of state affairs ceased to a great extent.

During the twenty years after the overthrow of the Reconstruction rule, the negroes had little political influence except when used by one faction of Democrats against another. The Black Belt continued to decline industrially and the white counties to prosper. Morally and economically there was a separation of the blacks into classes — a few made great advance, others little or no progress, and some retrograded. Negro religion and negro education slowly improved; in both, the blacks remained to some extent under Northern direction, the Southern whites being unable to regain influence to any appreciable degree.

The complete ousting of the negro from politics for the time being has been accomplished in several of the Southern states by new constitutions which impose as qualifications for suffrage, long residence, registration, payment of poll tax, and property holding or ability to read. In order to exclude but few whites certain temporary contrivances were used called the "Grandfather," "Understanding," "Old Soldier," and "good character" schemes. Few negroes could comply with these temporary qualifications which have, except in North Carolina, ceased to operate, so that theoretically the races are now equal before the suffrage laws, though most of the blacks are shut out. It seems impossible to get a case before the Supreme

Court in which the fundamental question may be decided. This disfranchising movement, which began in Mississippi in 1890 and was continued in South Carolina 1895, Louisiana 1898, North Carolina 1900, Alabama and Virginia 1901, was caused mainly by the practice of the Republicans in reorganizing the negroes in districts in which the whites were divided and selling their support to one of the factions or trying to elect a negro candidate, and by the custom of the Democratic politicians in the Black Belt to make use of negro votes to keep that section predominant in politics. The elimination of the negro vote has caused the transfer of political power from the whites of the black counties to the whites of the white counties, a situation that prevailed in most of the Southern states before 1861.

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"Meet Brute Force with Brute Force"

Atlanta (Georgia) *News*, September 10, 1874, in *House Report no. 261, 43 Cong., 2 Sess.*, p. 767. Editorial. [1874]

LET there be White Leagues formed in every town, village and hamlet of the South, and let us organize for the great struggle which seems inevitable. If the October elections which are to be held at the North are favorable to the radicals, the time will have arrived for us to prepare for the very worst. The radicalism of the republican party must be met by the radicalism of white men. We have no war to make against the United States Government, but against the republican party our hate must be unquenchable, our war interminable and merciless. Fast fleeting away is the day of wordy protests and idle appeals to the magnanimity of the republican party. By brute force they are endeavoring to force us into acquiescence to their hideous programme. We have submitted long enough to indignities, and it is time to meet brute-force with brute-force. Every Southern State should swarm with White Leagues, and we should stand ready to act the moment Grant signs the civil-rights bill. It will not do to wait till radicalism has fettered us to the car of social equality before we make an effort to resist it. The signing of the bill will be a declaration of war against the southern whites. It is our duty to ourselves, it is our duty to our children, it is our duty to the white race whose prowess subdued the wilderness of this continent, whose civilization filled it with cities and towns and villages, whose mind gave it power and grandeur, and whose labor imparted to it prosperity, and whose love made peace and happiness dwell within its homes, to take the gage of battle the moment it is thrown down. If the white democrats of the North are men, they will not stand idly by and see us borne down by northern radicals and half-barbarous negroes. But no matter what they may do, it is time for us to organize. We have been temporizing long enough. Let

northern radicals understand that military supervision of southern elections and the civil-rights bill mean war, that war means bloodshed, and that we are terribly in earnest, and even they, fanatical as they are, may retrace their steps before it is too late.

"Pike County Platform"

House Report no. 262, 43 Cong., 2 Sess., p. 1262. This platform adopted by an Alabama white county in 1874 was re-adopted by nearly all the Conservative county conventions in the State. The issue presented brought out the full white vote in "Union" districts. [1874]

WHEREAS the republican party of Alabama, for years past, has distinctly made and tendered to the people of this State an open, square issue of race; and

Whereas the tendencies of the doctrines, teaching and practices of said party, as more recently illustrated and evidenced by the passage by the United States Senate of what is known as the civil-rights bill, are to the effect that the negro, by reason of his emancipation, is elevated to, and ought of right to enjoy, social as well as political equality; and

Whereas the white people of the South have sedulously endeavored to prevent this issue of race, and in various ways sought to escape and avoid the said issue, well knowing the direful consequences that would follow it; and

Whereas the white people of the South have hitherto forborne, and hoped to escape the consequences thus hurled defiantly into their faces by the poor negroes, at the instance of the thieving crew known as carpet-baggers, and the more contemptible and infamous gang known as scalawags, who, in full view of this issue, have, for the sake of plunder, power, and spoils, sided with the aforesaid deluded negroes, regardless of the hateful and direful consequences to ensue from the passage of said odious civil-rights bill, which is the culmination of all radical diabolism.

Therefore, we respectfully suggest to our county convention for consideration the following resolutions:

Resolved, That we, the people of Troy beat, for the protection of our dearest and most sacred interests, our homes, our

honor, the purity and integrity of our race, and to conserve the peace and tranquillity of the country, accept the issue of race thus defiantly tendered and forced upon us, notwithstanding our determination and repeated efforts to avoid it; and further

Resolved, That nothing is left to the white man's party but social ostracism of all those who act, sympathize or side with the negro party, or who support or advocate the odious, unjust, and unreasonable measure known as the civil rights bill; and that from henceforth we will hold all such persons as enemies of our race, and we will not in the future have intercourse with them in any of the social relations of life.

These are the sentiments of the democrats and conservatives of Pike County, with their fifteen hundred white majority.

Conservatives Use Radical Methods

House Report no. 262, 43 Cong., 2 Sess., p. 702. Republican statement. In the elections at the close of Reconstruction the Conservatives made use of the methods formerly used against them. [1874]

IT was the advice of the democratic executive committee to the planters to furnish a list of the colored men in their employ who voted the colored ticket; and also all those who voted the democratic conservative ticket. In my opinion there is a determination here, on the part of the native white element, not to submit to republican principles and republican rule. . . Two weeks ago . . Mr. Price on the Mobile and Girard Railroad . . said, "You republicans were not fairly defeated. I know myself that on the train on which I was conductor on the day of the election, a great number of white men went from Georgia into your State and voted at three or four different places three or four different times on that day." If it had not been for the interference of the federal authorities in New Orleans, the republican administration would certainly have been overthrown in the State prior to the election. Military organizations were being effected in every part of this State. In my own town military organizations organized and applied to the governor for arms under the "militia law," and he refused to grant them. In Tuskegee and other places in the state arms

were purchased by private subscriptions of citizens. Tuskegee is in Macon County. There were companies there numbering about sixty, fully armed and equipped, and there were white military organizations all over this State, because on the day the governor was inaugurated five or six different military organizations from different parts of the State were here armed and participating, and wearing the usual gray uniforms.

Whipping Independents into Line

Opelika (Alabama) *Times*, June 6, October 14, 1874. Communication signed "Old Whig." Toward the end of Reconstruction "independent" candidates were numerous. [1874]

CAN any man who sees the coming storm, and who, by blood or marriage, or adoption, feels the least possible interest in the future of our starved and cursed land, refuse to strike hands with his distressed fellow-citizens and join heart and soul in this their earnest endeavor to break the chains that are now being forged for our captivity? Is this hour of peril a time when any true man can hide from the draft made upon him by common suffering and a common threatened ruin? Is not the battle to be fought this fall one of common interest, and how dares any man either to go into the enemy's camp or seek to lay his burden upon the shoulders of another? . . Is it not the time when the 80,000 white voters of Alabama should march as men with one banner and one voice? . . Men, now, who walk out . . between the two contending parties, begging quarters from friend and foe, are verily independents, (!) and deserve first to be shot down. Such independent men as these are seeking, through cowardly apprehensions, to make themselves the nucleus of the disaffected elements of the two parties, and thereby secure a position through cunning which they do not have the manliness to win upon principle. They are reaching out their arms to gather with one from the black fold and with the other the white. Perfectly independent; independent of race, color, and previous condition; independent of organization; independent of the history of consequences and results; independent of everything and everybody except office and the love of self. Rage scourge, devastate plague, ravage plague, ravage war, waste disease, and everybody sink if he swims. . .

The protege of radicalism, these independents, the spawn of corruption or poverty, or passion, or ignorance, come forth as leaders of the ignorant or deluded blacks, to attack and plunder for avarice, and defile and deflower for passion. There may be no God to avenge the South, but there is a devil to punish independents without priestly benediction, and Alabama will witness the ceremony. . .

Satan hath been in the democratic camp, and, taking these independents from guard-duty, led them up into the mountains and showed them the kingdoms of radicalism, his silver and gold, store-houses and bacon,[1] and all these promised to give if they would fall down and worship him; and they worshiped him, throwing down the altars of their fathers and trampling them under their feet. . .

A square, brave, bold republican, such as was old Thad Stevens, we admire, and colored men admire him; but one who comes as a ravenous wolf under sheep's clothing even a negro and the devil most abhor. Such a man as Stevens, if taken in battle, would be entitled to the treatment of a soldier of war, but those independents who followed the Southern army, dressed up in confederate uniform, plundering and preying upon the remnant of subsistence left by the army, were not soldiers, although they wore the confederate regalia, and if taken by either army or citizens, would find no protection under either the laws of God or man. . .

Hard is life; but life cursed by passion, cursed by infidelity, cursed by ignorance and prejudice, by treason to race and country; cursed by ingratitude; yea cursed by the bite of radicalism, is a Gethsemane of crucifixion whose agony is left without a language. . . The rule of radicalism is the reign of Apollyon, Ashtaroth, Azriel, Baal, Belial, Beelzebub, Diabolus, Pluto, Pan, Satan, Zamiel, of black crook, and living, consuming devil. Independents minister at his altar. . .

All of the good . . men of Alabama are for the white man's

1. See p. 88.

party. Outcasts, liberals, liars, hand-cuffers, and traitors to blood are for the negro party. Decide where you will place yourself in November.

Revolution in Arkansas

Senate Ex. Doc. no. 25, 43 Cong., 2 Sess., pp. 76, 147. (1) Telegram from V. V. Smith to President Grant and (2) "extra" of Fort Worth *Herald*. Earlier in the year Governor Baxter had been ousted by Brooks but the Washington administration had replaced Baxter. A constitutional convention made a new constitution, ordered elections and A. H. Garland was chosen governor. Baxter worked in harmony with the convention and turned over the government to Garland. His lieutenant-governor, V. V. Smith, protested and President Grant proposed to Congress to set up the constitution of 1868, but it was not done. [1874]

[1] *Little Rock, November 16, 1874.*

His Excellence U. S. GRANT,

President of the United States, Washington, D. C.:

The State government is as completely overthrown by the connivance of Elisha Baxter as that of Louisiana was by Penn's militia. It is true that the revolution by which it was accomplished was bloodless, but it is just as effectually done as though it had cost a thousand lives. Baxter himself used the office of governor to organize the present revolutionary government. It was perfected in all its departments, civil and military, before he abdicated the office and turned the same over to Garland. So long as Baxter occupied the office I could not assume to discharge its duties. When he ceased to act as governor he yielded the office to a person who was the head of the new government, which is backed by a well-armed and thoroughly organized militia. In the face of such overwhelming advantages on the part of the Garland government, it would be worse than madness for me to undertake to re-establish the overthrown government by force of arms. Had I been able to do this I should not have called on you for aid. It is because I am powerless that I appeal to you. Any attempt on my part to re-establish the government under the constitution of 1868, without your recognition . . would result in embroiling the citizens of the State in a sanguinary conflict. Before the life of any citizen of the State is sacrificed, I desire to know from you, who are

the arbiter between Garland and myself, whether I will be regarded as the executive of a lawful government, or as being guilty of treason against it. If you have no authority under the Constitution and laws to restore a government to its lawful officers, from whom it has been wrested by revolution and treachery, instead of by actual conflict of arms and bloodshed, it is a sad commentary upon the legislation of the country.

V. V. SMITH, Governor.

[2] THE HERALD.—EXTRA.

Fort Smith, Tuesday, Nov. 17, 1874.

78,000 against 24,000.

Trouble again! Baxter out! Garland in! Baxter's lieutenant-governor, V. V. Smith, proclaims himself governor.

78,000 people say that

GARLAND IS GOVERNOR!

It now remains for that 78,000 people to sustain Garland and the free voice of the people,

Let the people be true to themselves. Let them come up like men, if needs be, and stand by their colors. The Garland government is the people's government. Baxter, his lieutenant-governor, V. V. Smith, and their Bourbon allies must be suppressed. If it be war, let it be war to the knife, and the knife to the hilt, if they force us to it, in defense of the new constitution, and the officers elected under it. Now is the time; and if Garland will have

V. V. SMITH

and his followers arrested, tried by drum-head court-martial and shot; that done, go for

CLAYTON, DORSEY,

and their abettors, then we will be rid of the great curse, and Arkansas will be free.

Stand true to the new constitution, to Garland, and to the whole State ticket elected under it.

WE MUST BE FREE! — *Sic semper tyrannis!*

2. THE MISSISSIPPI REVOLUTION

A Revolution not a Political Campaign

Mississippi Election of 1875, p. 1144. Extract from the Aberdeen *Examiner*, October 7. Editorial. [1875]

THE republican journals of the North made a great mistake in regarding the present campaign in Mississippi in the light of a political contest. It is something more earnest and holy than that — it is, so far as the white people and land-owners are concerned, a battle for the control of their own domestic affairs; a struggle to regain a mastery that has been ruthlessly torn from them by selfish white schemers and adventurers, through the instrumentality of an ignorant horde of another race which has been as putty in their hands, molded to our detriment and ruin.

The present contest is rather a revolution than a political campaign — it is the rebellion, if you see fit to apply that term, of a down-trodden people against an absolutism imposed by their own hirelings, and by the grace of God we will cast it off next November, or cast off the willfully and maliciously ignorant tools who eat our bread, live in our houses, attend the schools that we support, come to us for aid and succor in their hour of need, and yet are deaf to our appeals when we entreat them to assist us in throwing off a galling yoke that has been borne until further endurance is but the basest of cowardice. . .

We favor a continuance of the canvass upon the broad and liberal basis that has heretofore characterized it; that is, we favor appealing to the negro by everything good and holy to forsake his idols and unite with us in ridding the State of a sway that we despise; but at the same time that we extend the olive-branch and plead for alliance and amity, we should not hesitate to use the great and all-powerful weapon that is in our control; we should not falter in the pledge to ourselves and our neighbors to discharge from our employ and our friendship forever, every laborer who persists in the diabolical war that

has been waged against the white man and his interests ever since the negro has been a voter.

"Color-line" in Politics

House Report no. 265, 43 Cong., 2 Sess., p. 31. Statement of Judge H. H. Miller, formerly minister to Bolivia. [1875]

I THINK I understand the meaning and import of the term "color-line," as understood in this State. For some years after the war the white citizens of Mississippi made an earnest effort to accommodate themselves to the new condition of affairs, and undertook to assimilate themselves with the negro-voting population, and they endeavored to hold out every inducement to that class to discard all questions of mere condition originating from color, and in conventions, both State and county, for the nomination of public officers in carrying out this plan, they put upon our tickets colored men for various political positions. This effort was continued for six years, but met with no success. It became a well-recognized fact that every colored man who permitted his name to be put upon the ticket of what was called either the democratic or conservative party, was immediately ostracised by his own race; and no matter what had been the previous position with his race and party of any such individual, the acceptance of such a nomination resulted in his being immediately discarded by the party. After many unsuccessful efforts in that direction, a feeling grew up in the community that it was impossible to conciliate that element; that the difficulties in the way of such conciliation were insurmountable; that the prejudices of that race were continually employed against the whites by appeals made to them by what are generally known as carpet-baggers, political adventurers, and some of the worst elements of our race. These appeals were made to them upon the ground that the whites were their natural enemies. Exaggerated statements were constantly made to them of the cruelties and punishments that had been inflicted upon them while they were in a state of slavery; that the democratic or conservative party would ultimately reduce them to a condition of slavery, and that their only safety was in

strictly adhering to the republican party. Every element of discord that could possibly be imagined by these people was constantly kept before them, and the result was that in every election, State, county, and municipal, for a series of years the negroes were voted almost in solid mass and almost even carried to the polls as if in military array, each body under its leaders and subordinates, where they would remain until whole columns were voted, the leaders handing to each voter his ticket as he stood by the ballot-box to deposit it, and in many cases the leader depositing the ballot himself. This condition of things produced what is known as the "color-line." The "color-line" means that the whites of this State have become satisfied that it is useless further to attempt to coalesce with the negro element in voting; that it has been demonstrated by experience that that class of the community is incapable of properly administering the duties of any office for the benefit of the community; that therefore it has been determined for the future that none but white men will be nominated or voted for office by persons who favor the color-line in this State; but that with no intention of depriving the colored citizens of the right of franchise, or of any rights guaranteed to them by the Constitution or its amendments, or the laws of Congress, or of the State of Mississippi. . . They feel that they are driven to the "color-line" by the fact that the colored element has adhered to such a line ever since they were invested with the rights of citizens.

"The Black Color-line"

Columbus (Mississippi) *Press*, August 7, 1875, in *Senate Misc. Doc. no. 45, 44 Cong., 2 Sess.*, p. 583. A Republican paper, representing the anti-administration element. [1876]

LET him dispute it who does, it is no less true that there are within the republican ranks scores of colored men who are just as determined to establish a color-line and run no body but colored men for office, as there are of white men who are bent on establishing a white line.

In the earlier days of republicanism in the South, when it felt itself weak and in peril, it was the habit of the party to

select the best men, regardless of color, for all positions. By this course the party became strong and successful, and, year after year, swept on to victory. Then it became known to unscrupulous men of both colors that the voting mass of the republican party being ignorant, an appeal to their prejudices upon the question of race was sufficient to secure a considerable political capital for the person who resorted to this base measure. The most unprincipled of white men, men who were about to be dropped out of the party because of dishonesty or lack of brains, readily seized this new device to prolong their unworthy political existence. Swell-headed colored men who had gotten a little taste of office in the way of road-overseers or beat-constables immediately aspired to seats in the legislature or the county offices, and applying the argument that colored men did the voting and colored men should have the offices, they succeeded in molding and fastening a sentiment which, widening and deepening, has finally brought the republican party, not only of the South but of the nation, up to the very verge of destruction.

The grand anthem of victory that swept across the land in 1868 and 1869 swelled the voices of the republican majorities in Arkansas, Tennessee, and Alabama, in Georgia, North Carolina, and Virginia. Where are these States to-day? Gone, irretrievably, across the dark line and arrayed in hostile attitude with the opposition. What lost the States? Ignorance and corruption in office, and dissension in our own ranks caused by unprincipled men. Last fall all the great republican States of the North, one by one, crossed over to the enemy and took up arms against us. What drove them from us? The scandal and disgrace brought upon the national party by the shameless and corrupt management in many of the Southern States.

As a means of bringing about this state of affairs in the South, none has been so fruitful as the persistent force of the argument that colored men, because colored, should have their proportion of offices, and the carrying out of that proposition, regardless of the qualifications of candidates, in conventions and elections.

Let us take for example our State convention of two years ago. The colored delegates came into the convention laying down the ultimatum that at least three out of the seven State officers should be colored men. They were not particular who they should be, just so that coloring matter of the skin was of the proper hue. This was the ultimatum. To enforce this demand came Warren County — notorious, unfortunate distracted Warren — puffed up with vanity over her five thousand majority, swaggering with the intoxication of absolute color supremacy. Warren County came bristling with pistols and, led by the gallant Furlong — the last of the white-skins that had been compelled to loose his leech-like hold upon the convention assembled, tearing the costly furniture of the State with their boot heels, and brandishing their pistols in the teeth of the convention. Messrs. Davenport, Crosby, and Furlong swore they would disrupt the republican party if it didn't nominate T. W. Cardozo for superintendent of public education. The black-liners bullied the convention and carried their point. Cardozo was nominated and Pease was defeated, to the everlasting shame of the party, and to-day Cardozo hangs like a mill-stone about its neck, sinking it deeper and deeper in the mire.

Warren County went home and made a clean sweep of the county officers for the black-liners, and to-day scores of their ignorant dupes lie buried in the ditches. Crosby, the sheriff, is a fugitive; a white-leaguer occupies his place; and Davenport and the rest are hunted down like sheep-dogs, while the poor misguided colored republicans of that county dare not, upon their lives, assemble in a political gathering; and when the next election comes they will be swallowed up in the deep, dark abyss of ruin which they themselves have dug.

Warren County is but an example of the several Southern States that have been revolutionized and gone over to the enemy. It is but an example of what will become of the State of Mississippi if the same counsels which have plunged her into desolation and despair, are allowed to prevail in the other counties of the State. The same class of advisers exist in nearly

all the counties. . . They will tell you to vote for your own color or die in the attempt. They will tell you that white republicans are only such for office. They will have you rush into an issue of race against race and plunge the county into strife and bloodshed if they perchance might ride safely upon the surging waves over the dead bodies of their countrymen to positions of profit.

We have uttered this warning voice more to acquit ourselves of a solemn duty to our many colored friends who are ignorant of the tendencies of the times, than in the hope that it will stay the sweeping tide that is bearing us onward to destruction. Let the sober, thinking colored men ponder it well, and act according to the teachings of the facts herein set forth, and the party may yet be saved and live to bless them, and their children after them, with the sweet reign of peace, and the enjoyment of all the rights and privileges of freemen and citizens. Let them refuse to listen, and the end is not far in the future.

Spirit of the Mississippi Press

Mississippi Election of 1875, p. 160. Extracts from Mississippi newspapers, read by Senator Morton in the U. S. Senate, January 19, 1876. Each paragraph is from a different newspaper. [1874]

CALL it what you please. Some call it the color-line. It looks to us like the white-line. It shall be seen who, in this emergency, can choose to stand with the negroes as against the whites. Mark them.

We are in favor of the color-line as a principle, a necessity, and a policy.

As a principle it means that property, intelligence, and integrity enjoy, of right, a superiority over poverty, ignorance and duplicity; for which reason, as an abstract principle, it has our hearty endorsement.

Rally on the color-line, boys, beyond the platform, every man to his color and colors, and make these negro pretenders to govern this great county come down, else put 'em down. What do the young men say to the old man's battle-cry in this politi-

cal campaign: "Step across the platform, boys, and go for 'em." . .

Already do we see signs in our State of the good effects of the color line. Prior to its organization there was no harmony or unity of action among the whites. The negroes had perfected their race in organizations and were able to control the politics of the State. The whites, after having attempted every scheme to secure an intelligent government and a co-operation of the negroes in this behalf, wisely gave it up and determined to organize themselves as a race, and meet the issue that had presented itself for ten years.

The present contest is rather a revolution than a political campaign; it is the rebellion, if you see fit to apply that term.

"Shoot him on the spot," if you find any man following Warner's suggestions about "counting the votes and making up the return" in the interest of radicalism.

Our colored democratic friends must not be beaten and scoffed at on the day of the election by men of their own color, steeped to the lips in radicalism. Let all such disturbers of the peace be shot on the spot as a fit punishment for their disgraceful conduct.

Democratic votes must not be thrown out by false-hearted, scoundrelly registrars, working in the interest of the radical party. If this be done, shoot the man who does it on the spot; and, our word for it, the public sentiment of the world will sustain you. Such a man deserves to die the death of a dog.

Much as we deplore bloodshed, and much as we lament violence, we believe that every riot will carry a plain lesson to the intelligent electors of Mississippi. To put down this riotous revengeful feeling, we have just got to put down the Ames ring.

Just so long as the Ames power rules Mississippi, just so long will white men be compelled to sleep with guns handy to reach.

The time has arrived when the companies that have been formed for defensive and protective purposes should come to the front. There are three of them in the city of Jackson. There are others in other parts of Hinds County. Let still

others be formed all over the State as speedily as possible, and armed and equipped with the best means that can be extemporized for the occasion.

Position of a Southern White Republican

Mississippi Election of 1875, p. 61. Statement of Thomas Walton, a Mississippi planter. [1875]

THE nature of the organization among the whites is just this: that there is a feeling among them that the negroes are banded together for the purpose of governing the country and expending its money regardless of any consideration except to promote personal ends, and that they are determined to support each other to a very large extent irrespective of the claims of virtue and intelligence; and the whites are just as determined to hold together and prevent that thing from being done. They are all united except a few persons who have co-operated with the republican party, and who . . are generally men who hold office or are candidates for office. That state of things has brought great reproach in the State of Mississippi upon every white man connected with the republican party, a reproach which requires an enormous weight of personal character to oppose and weigh down. The truth is, that the fact of a white man being a republican in the South, especially a white Southern man, is a surprise to every man in the South. It strikes every mind with astonishment. It is presupposed, as the basis of an intercourse there, that a white man is a democrat, and that he belongs to this organization, the object of which is to prevent negro influence from controlling the country locally. Indeed, I may state the case more strongly, and yet not go beyond the truth. I may say that a white man must be very well known in the South for a true gentleman to overcome the presumption which arises there *prima facie* that he must be a rogue if he is a republican. And I find even here in Washington [D. C.], when my friends present me even to northern republicans, there are signs of this same feeling, as they always feel it necessary to certify to my character after saying that I am a southern republican.

Why the Republicans Lost Mississippi

Mississippi Election of 1875, p. 1019. Statement of H. R. Revels, a negro, formerly United States Senator from Mississippi. [1876]

SINCE reconstruction, the masses of my people have been . . enslaved in mind by unprincipled adventurers, who, caring nothing for country, were willing to stoop to anything, no matter how infamous, to secure power to themselves and perpetuate it. My people are naturally republicans and always will be, but as they grow older in freedom so do they in wisdom. A great portion of them have learned that they were being used as mere tools, and, as in the late election, not being able to correct the existing evil among themselves, they determined, by casting their ballots against these unprincipled adventurers, to overthrow them; and now that they have succeeded in defeating these unprincipled adventurers, they are organizing for a republican victory in 1876; that we will be successful there cannot be a doubt. There are many good white republicans in the State who will unite with us, and who have aided us in establishing ourselves as a people. In almost every instance these men who have aided us have been cried down by the so-called republican officials in power in the State. My people have been told by these schemers when men were placed upon the ticket who were notoriously corrupt and dishonest, that they must vote for them; that the salvation of the party depended upon it; that the man who scratched a ticket was not a republican. This is only one of the many means these unprincipled demagogues have devised to perpetuate the intellectual bondage of my people. To defeat this policy at the late election men irrespective of race, color, or party affiliation united and voted together against men known to be incompetent and dishonest. I cannot recognize, nor do the masses of my people who read recognize, the majority of the officials who have been in power for the past two years as republicans. We do not believe that republicanism means corruption, theft, and embezzlement. These three offenses have been prevalent among a great portion of our office-holders; to them must be attributed the defeat of the republican party in the State if

defeat there was; but I, with all the lights before me, look upon it as an uprising of the people, the whole people to crush out corrupt rings and men from power. Mississippi is to-day as much republican as it ever was, and in November, 1876, we will roll up a rousing majority for the republican candidate for President. . .

The great masses of the white people have abandoned their hostility to the General Government and republican principles, and to-day accept as a fact that all men are born free and equal, and I believe are ready to guarantee to my people every right and privilege guaranteed to an American citizen. The bitterness and hate created by the late civil strife has, in my opinion, been obliterated in this State, except, perhaps, in some localities, and would have long since been entirely obliterated were it not for some unprincipled men who would keep alive the bitterness of the past and inculcate a hatred between the races, in order that they may aggrandize themselves by office and its emoluments to control my people, the effect of which is to degrade them. As an evidence that party-lines in this State have been obliterated, men were supported without regard to their party affiliations, their birth, or their color by those who heretofore have acted with the democratic party, by this course giving an evidence of their sincerity that they have abandoned the political issues of the past, and were only desirous of inaugurating an honest State government and restoring a mutual confidence between the races. . . Had our State administration adhered to republican principles and stood by the platform upon which it was elected, the State to-day would have been on the highway of prosperity. Peace would have prevailed within her borders, and the republican party would have embraced within its folds thousands of the best and purest citizens of which Mississippi can boast, and the election just passed would have been a republican victory of not less than eighty to a hundred thousand majority; but the dishonest course which has been pursued has forced into silence and retirement nearly all of the leading republicans who organized and have heretofore led the party to victory. A few who have been bold

enough to stand by republican principles and condemn dishonesty, corruption and incompetency, have been supported and elected by overwhelming majorities. If the State administration had adhered to republican principles, advanced patriotic measures, appointed only honest and competent men to office, and sought to restore confidence between the races, blood-shed would have been unknown, peace would have prevailed, Federal interference been unthought of; harmony, friendship, and mutual confidence would have taken the place of the bayonet.

In conclusion, let me say to you, and through you, to the great republican party of the North, that I deemed it my duty, in behalf of my people, that I present these facts in order that they and the white people (their former owners) should not suffer the misrepresentations which certain demagogues seemed desirous of encouraging.

3. THE SOUTH CAROLINA CAMPAIGN, 1876

"A Horrible Disaster"

Allen, *Chamberlain's Administration*, p. 220. Statement of Governor Chamberlain, Republican. The election as judges of Whipper and Moses, two notorious characters, alienated some Republicans and united the Conservatives. [December, 1876]

I LOOK upon their election [Whipper and Moses as judges] as a horrible disaster — a disaster equally great to the State and to the Republican party. The gravest consequences of all kinds will follow. One immediate effect will obviously be the reorganization of the Democratic party within the State as the only means left, in the judgment of its members, for opposing a solid and reliable front to this terrible crevasse of misgovernment and public debauchery. I could have wished, as a Republican, to have kept off such an issue.

How to Escape Moses and Whipper

Allen, *Chamberlain's Administration*, p. 221. Letter of H. V. Redfield, correspondent of the Cincinnati *Commercial*. Used by permission of G. P. Putnam's Sons. Moses had been governor of the state, 1872-1874. [December, 1876]

A RUMPUS has begun in South Carolina which will end in the white people getting control of the State, as they now have control of Mississippi. The means to be adopted to overthrow negro rule in the Palmetto State may not be precisely the same as that which proved successful in Mississippi, but the result will be similar. . . Pick out two of the most notorious ward bummers in Cincinnati — men as ignorant of the science of law as a boy is of astronomy, men of no standing in the community, and no character save that of idleness, and elevate them to the bench in two of the most important Ohio circuits, Cincinnati and Cleveland, for instance. How would you feel about it? . . The whites are aroused; the color line is drawn; and before long you will hear of a "great Democratic victory" in South Carolina like unto that in Mississippi.

The Governor has refused to sign the commissions of Moses

and Whipper upon merely technical grounds — something that he would not have thought of doing, . . had these judges-elect been decent men. But how he is to carry out his point I fail to see. There seems no escape from Moses and Whipper on the bench but the complete overthrow of the so-called party which elected them. And that is what is coming. I say to the reader, and hope he will remember it hereafter, Look out for Democratic gains in South Carolina! For a long time the whites have wanted a sufficient excuse to rise up and overthrow the African government under which they live; and now they have it. Not a white Republican in the State, from the Governor down, nor a Republican journal, pretends to justify the election of these notorious men to the bench.

The campaign in South Carolina next year will be very bitter, if not bloody. The whites will now draw the "color line," and at the same time throw all the blame upon the blacks. We know what the color line means. If any there are who don't comprehend the term, they can have light by spending a few days in Mississippi.

The President's Attitude

McPherson, *Handbook, 1876*, p. 207. President Grant to Governor Chamberlain of South Carolina. [July 26, 1876]

DEAR SIR: I am in receipt of your letter of the 22d of July, and all the enclosures enumerated therein, giving an account of the late barbarous massacre of innocent men at the town of Hamburg, S. C. The views which you express as to the duty you owe to your oath of office and the citizens to secure to all their civil rights, including their right to vote according to the dictates of their own consciences, and the further duty of the Executive of the nation to give all needful aid, when properly called on to do so, to enable you to secure this inalienable right, I fully concur in.

The scene at Hamburg, as cruel, as blood-thirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other States within

the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages, much less to a civilized and Christian people. How long these things are to continue, or what is to be the final remedy, the great Ruler of the Universe only knows. But I have an abiding faith that the remedy will come, and come speedily, and I earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South; nothing is claimed for one State that is not freely accorded to all others, unless it may be the right to kill negroes and Republicans without fear of punishment and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States. . .

Go on, and let every Governor, where the same dangers threaten the peace of his State, go on in the conscientious discharge of his duties to the humblest as well as the proudest citizen, and I will give every aid for which I can find law or constitutional power. A government that cannot give protection to the life, property, and all guaranteed civil rights (in this country the greatest is an untrammeled ballot) to the citizens is, in so far, a failure, and every energy of the oppressed should be exerted (always within the law and by constitutional means) to regain lost privileges or protection.

Too long denial of guaranteed rights is sure to lead to revolution, bloody revolution, where suffering must fall upon the innocent as well as the guilty. . .

U. S. GRANT.

Rifle Clubs and Artillery Companies

Allen, *Chamberlain's Administration*, pp. 350, 385. (1) H. V. Redfield in Cincinnati *Commercial*; (2) Letter of Governor D. H. Chamberlain. Used by permission of G. P. Putnam's Sons. [1876]

[1] THE outsider is apt to be puzzled by accounts of affairs here. He may not understand the formation of "rifle clubs," "rifle teams," "artillery companies," among the whites. What are they afraid of? They are not afraid of any thing. Why,

then, this arming? They intend to carry this election, if it is possible to do so. The programme to have "rifle clubs" all over the State, and, while avoiding actual bloodshed as much as possible, to so impress the blacks that they, or a number of them, will feel impelled to vote with the whites out of actual fear. The blacks are timid by nature, timid by habit, timid by education. A display of force unnerves them. The whites understand this, and an immense marching about at night, and appearance at any Republican meeting to "divide time," is with a view to impress the blacks with the sense of danger of longer holding out against white rule. Add to the number they can scare, the number they can buy, and they hope to have enough, united with the solid white vote, to gain the day, elect Hampton, and secure the Legislature.

[2] I refer now to the armed organizations which go under the names of "Rifle Clubs," "Sabre Clubs," and "Artillery Clubs." Of the exact extent of these organizations your information is doubtless much more ample than mine; but I think I am warranted in saying that such organizations exist in every county in the State, and that in many, if not most, of the counties they embrace a large majority of the white men between the ordinary limits of age for military duty, as well as a large number both below and above such limits. That these organizations are armed, officered, drilled, to a considerable extent at least, in the manual and military movements appropriate to the character of their arms and organizations, and obey the orders of their officers, is clear in many cases, and is probably true in all cases. . . That they serve as the basis of political organization, and under the command and control of their officers, engage in political duties and work is equally clear. In fact a leading feature of the present Democratic State canvass is the constant attendance upon the Democratic meetings of these Clubs, acting in their organized character and capacity. In no instance of such Clubs organized since December 1, 1874, has authority for their formation or existence been given by the Governor, [Chamberlain himself] nor are any such organizations reported to him officially, or in any

manner authorized or recognized by him as forming any part of the military force of the State.

"What is True and What is not True"

South Atlantic, June 1878. Address of the clergy, bankers, etc., of Charleston to the people of the United States. [1876]

FOR ten long, weary years the white people of South Carolina have endured a condition of things which any Northern State would have been tempted to throw off . . at the point of the bayonet if it could have been done in no other way. . . At last they determined, as by a common impulse and a natural and uncontrollable instinct of freedom, to make one supreme effort for their freedom; but to make it under and within the law.

Those who hold authority here having, through party affiliation, access to the highest organs of political power in the country and to the equally powerful organs of the partisan newspaper press, have subjected this people to the vilest misrepresentations and to the most cruel slanders. Some of these we desire to correct:

It is not true that the white people of South Carolina are disloyal or dis-affected to the United States Government. . .

It is not true that South Carolina, or any of its counties, is in a state of insurrection or domestic violence against the government of the State, or that law and process cannot be duly enforced within her territorial limits, or that there is any lawful cause or occasion whatsoever for the Federal government to interfere for the protection of the State government against the violence of her citizens.

It is not true that the white people of the State are hostile to the colored people, or have any design or disposition to abridge or infringe their political or civil rights. On the contrary, in their conventions and in the speeches of their candidates, for six years or more, the most public and solemn pledges have been given that all the rights of the colored people shall be respected and protected. . .

It is not true that the few "Rifle Clubs" in the State are "combinations of men against the law" or that they are engaged in "murdering some peaceable citizens and intimidating others," or that "they cannot be controlled or suppressed by the ordinary course of justice." . . These clubs existed with the knowledge and recognition of the governor. Not one of them ever acted in defiance of law or against the government or constituted authorities. The hostility to them of Governor Chamberlain and his coadjutors is recent; it is political and is designed to affect the coming election.

It is not true that in the recent race collisions the white people have been the aggressors. Their forbearance, as in the Charleston riot, the unprovoked Cainhoy Massacre, and the still more recent assassination of a white citizen in Edgefield, has been wonderful. The truth is that the leaders of the colored people, fearing that the day of their power is drawing to a close, have excited the ignorant dupes, have supplied them with arms, have aroused their fears for the loss of their liberty, and have thus encouraged them to commit deeds of violence.

We may also affirm some things that are true:

It is true that there is in the state a most active, earnest and excited canvass to overthrow corrupt rule and re-establish honest State Government. This is a legitimate and lawful object, which should command the sympathy and support of every lover of his country. It is not treason to defeat Chamberlain, nor is it insurrection or domestic violence to elect Hampton.

It is true that while White Rifle Clubs are ordered by the governor and the President to disband and disperse, the colored militia of the state are allowed to remain in organization and in possession of their arms, and to attend political meetings in military order with rifles and other arms. The object of this discrimination is as obvious as the comparatively defenseless condition in which it places the white population. We simply ask what would the people of New York or Massachusetts think or do upon a like application of the bayonet policy to them under such circumstances?

Hampton's Speech to the Blacks

House Misc. Doc. no. 31, part 1, 44 Cong., 2 Sess., p. 307. Speech at Abbeville, September 16, 1876. [1876]

I FEEL assured that if the colored people of the State would come out, and see and hear for themselves, there will be thousands and tens of thousands, like the colored men of Abbeville, that will join the democratic party in this State. I give them the word of a man, who neither friend nor foe can say ever broke that word, that if I am elected governor of South Carolina, *I shall be the governor of the whole State; I shall render to the whole people of this State equal and impartial justice.*

The platform adopted by the democratic party in Columbia is one upon which all can stand. Talk about putting the colored men back into slavery or qualifying their suffrages. . . It is against our interest to do either of these things, if we could. In the first place, the labor of the colored man is more valuable to us as he is than if he was slave, because they were perishable property, and, as soon as they passed away, it was so much loss to the general wealth of the country. As to qualifying your suffrages, why that is the very thing your President Grant wants to do. We want your votes; we don't want you to be deprived of them, and I can tell you, if the colored people continue to join the democratic ranks as they have been doing thus early in the campaign, we will be the last people in the world to curtail their suffrages. The northern republicans thought it was all right so long as you voted the republican ticket, but just so soon as the colored people of the South began to go democratic, they were the first to introduce a bill to qualify their suffrages. Why? Because they don't want the South to have a chance to turn the election for the President. I am not in the big fight, however. I am in this little fight to save South Carolina, and I tell you upon my honor that if you allow the white people of South

Carolina to go down this time, you will go down so deep that no plummet can ever reach you. If . . the white people of South Carolina, were to leave you the State, and give you everything, lands, houses, churches, banks, you could not live without them. *The only way to bring about prosperity in this State is to bring the two races in friendly relation together.* The Democratic party in South Carolina . . has promised that every citizen of this State is to be the equal of all; he is to have every right given him by the Constitution of the United States and of this State. This democratic party in South Carolina pledges itself to support and accept the thirteenth, fourteenth and fifteenth amendments . . and I pledge my faith, and I pledge it for those gentlemen who are in the ticket with me, that if we are elected, as far as in us lies, *we will observe, protect, and defend the rights of the colored man as quickly as any man in South Carolina.* (A voice, "That's right; tell them that over again.") If there is a white man in this assembly, because he is a democrat, or because he is a white man, believes that when I am elected governor . . that I will stand between him and the law, or grant to him any privileges or immunities that shall not be granted to the colored man, he is mistaken, and I tell him so now, that if that is his reason for voting for me not to vote at all.

A Man who Will Do what he Promises

House Misc. Doc. no. 31, part 1, 44 Cong., 2 Sess., p. 308. Letter to General Hampton. Many negroes voted for General Hampton. [1876]

Rock Hill, S. C., September 8, 1876.

MARS WADE: Seeing that you are nominated for governor by the white people, and hearing that you have promised the black man all the right he now has, and knowing that you were always good and kind to me when your slave, and knowing that you are a good and kind man — *a man who will do what he promises* — I write to say that I will vote for you, and get all the black men I can to do the same. I have bought a piece of land in York County, and am trying to make a good

support for my family, which I can do if we all had good laws and low taxes. My wife, Flora, is still living, and we have but one child, whom we wish to educate. Please write me, in care of Dr. T. C. Robertson, Rock Hill, S. C.

Your Friend, and former slave,

REV. FRANCIS DAVIE.

Democratic Working Men

Charleston *Journal of Commerce*, October 2, 3, and 5, 1876, in *Senate Misc. Doc. no. 48, 44 Cong., 2 Sess.*, p. 639. Such advertisements were common after 1874. [1876]

HOUSEKEEPERS can get their meats from "Democratic Headquarters," stalls Nos. 49, 50, 57, and 58, Lower Market. Also, Nos. 9 and 10, Upper Market. . . It is not democratic money alone we want, but Wade Hampton and reform.

DANIEL COOPER.
DEDERICK STOKIEN.
JOHN STOKIEN.

To our merchants, wharf-owners, and tradesmen generally:

The Workingmen's Democratic Association are now prepared to furnish from 100 to 200 able bodied men for any kind of work. Apply at their hall, Queen street, near Meeting, from 9 to 12 m., 2 to 6, and 7 to 9 p. m.

A CARD

Until further notice I will receive applications from those seeking employment, on Mondays, Wednesdays, and Fridays; and orders from employes for straight-out democratic workingmen, on Tuesdays, Thursdays, and Saturdays. I am prepared to furnish democrats with democratic labor at reasonable wages, to any extent at a moment's notice. To employ republicans and starve democrats no longer pays. It is a crime, and will be held to strict accountability.

R. S. THARIN,
75 Broad Street.

"A White Man's Government or Military Rule"

Senate Misc. Doc. no. 45, 44 Cong., 2 Sess., p. 318. Newspaper Editorial. [1876]

THE greatest excitement and enthusiasm pervade the ranks of the whites, and they are determined to redeem the State from her ignoble thrall at any cost and at any sacrifice.

Troops have no terrors for them. They want troops; they want all the troops that can be sent to the State, for the true soldier deeply sympathizes with the cause of the oppressed white man everywhere, and they are determined to have either a white man's government or military rule.

4. THE DOWNFALL OF THE RECONSTRUCTION REGIME

End of Carpetbag Rule in Florida

Wallace, *Carpet Bag Rule in Florida*, p. 342. Wallace supported Stearns and Hayes. Drew was Democratic candidate for governor. The "deal" here was for the returning board to give the electoral votes to Hayes and the state government to the Democrats. [1876]

THE visiting statesmen returned to the North and the Florida lawyers now began to set up for themselves. . . Filed in the Supreme Court a petition for a writ of mandamus, . . asked that the Board of State Canvassers be compelled to reassemble and canvass the returns as sent up by the County Boards of Canvassers. . . The board, in their first answer, raised the question of jurisdiction of the court. . . A peremptory writ was issued, commanding the board to count the votes from the face of the returns. Of course there was no answer to any such writ, but the conspirators undertook to trifle with the court and filed a protest instead of executing its mandate. The court then intimated clearly to the conspirators what they might expect if its mandate was not immediately obeyed. The conspirators, viewing the iron bars of the prison house in fear and trembling, with weeping eyes returned and made the canvass. The second canvass gave Drew 195 majority over Stearns, and the Hayes electors 214 over Tilden. The board in this canvass threw out the returns from Clay county so as to save the Hayes electors. . . [Governor] Stearns, looking back over the hard labor of his plundering career, and seeing that the packing of juries, the prostitution of the public schools, the disfranchising of whole counties, mob conventions, planned irregularities in elections, the public money expended to get possession of railroads, and the wholesale stuffing of ballot boxes had availed nothing, still was loath to give up the Government when he was actually in sight of the promised land. He called a consultation of the Ring chiefs at the City Hotel and required to know from them whether

they would support him should he maintain that he was Governor, the decision of the Supreme Court to the contrary notwithstanding. With one voice they all answered yea! The understanding was that all the colored people in the surrounding country should be notified that Stearns would be inaugurated on the day set apart by the constitution, and they were notified accordingly. Some of the carpetbaggers doubted the propriety of defying a Republican Supreme Court, but the "Little Giant" [L. G. Dennis] declared if Stearns did not hold on to the Government he would kill him. The day before Drew was to be inaugurated Stearns saw many strange faces in Tallahassee among the whites, and he began to grow pale and talk weak. The "Little Giant" now seeing that Stearns was about to yield up the ghost, went out and filled himself with the red beverage of hell and came to the hotel to murder him, and he would have attempted to do so, if he had not been locked in a room and detained until he fell asleep. In the meantime the whites had made great preparations for the inauguration of Drew. Early the next morning Drew and Stearns were seen coming out of a house together, as though they had been holding a long consultation. The whites were on hand from Georgia and from all parts of the State in large numbers, and the confiding freedmen came also to see the inauguration of Stearns. Drew seems to have made it all right with Stearns or Stearns with Drew; and Stearns procured a team and drove into the country while Drew was inaugurated. The whites had stationed in an old cotton storehouse close by the capitol, between three and five hundred men, armed with repeating rifles, with the intention of slaughtering the men who might attempt to inaugurate the defeated candidate. Everything, however, passed off quietly, and the new Governor was inaugurated amidst the shouts of thousands of glad-hearted people, both white and black, who now boasted that their votes had done the work. Thus ended the eight years of carpetbag famine and pestilence.

Troops Withdrawn from Louisiana

Annual Cyclopedia 1877, p. 455, *et seq.* The whites refused to submit to the decision of the returning board that gave the electoral votes of Louisiana to Hayes and the state offices to the Radicals. The White League rose in arms and held the state for the Conservative administration. The friends of Hayes promised that the troops would be withdrawn from the South. Meanwhile President Grant refused to recognize either claimant. After the troops were withdrawn the Packard government disappeared. [1877]

DURING the first three months of the year [1877], the two governments,[1] claiming to have a legal basis in Louisiana, continued nominally to exist. Direct conflict was avoided, owing to the presence of United States military forces, with orders to preserve the peace, and a disposition to await the action of the national authorities regarding disputed questions affecting the State. But it soon became evident that the government headed by Mr. Nicholls alone had support from the people. A large number of the leading business men and clergymen of New Orleans joined in declarations of sympathy and support, and numerous popular gatherings, in various parts of the State, gave voice of the general sentiment. On the 9th of January, the courts, police-stations, and arsenals in New Orleans were peaceably surrendered to the Nicholls authorities. . .

EXECUTIVE MANSION,
Washington, March 1, 1877.

Governor S. B. PACKARD, New Orleans, La.:

In answer to your dispatch of this date, the President directs me to say that he feels it his duty to state frankly that he does not believe public opinion will longer support the maintenance of State Government in Louisiana by the use of military, and that he must concur in this manifest feeling.

The troops will hereafter, as in the past, protect life and property from mob violence when the State authorities fail; but under the remaining days of his official life they will not be used to establish or pull down either claimant for control of the State. It is not his purpose to recognize either claimant.

C. C. SNIFFIN, Secretary.

1. The Nicholls government, Conservative, and the Packard government, Radical.

Washington, March 3, 1877.

To Governor F. T. NICHOLLS, New Orleans:

The President says he sent a dispatch to Packard, Thursday, notifying him that troops could no longer be employed to uphold either claimant, and that he does not believe that Packard would attempt any offensive operations.

The President sent the dispatch so that he (Packard) might have time to retire his pretensions, if disposed. The President says instructions have been issued which cancel all orders for the preservation of the *status quo*, and that neither you nor Packard are bound to observe it; that he means the people of Louisiana are as free in their affairs from Federal interference as the people of Connecticut, and that there will be no disposition to interference with them, any more than with the people of New York. The President concurs with us that you immediately issue a proclamation urging protection, amnesty, and peace.

Being asked if a posse executing process of Nicholls' court would be interfered with by the military, he replied: "No more than in any other State." Being asked if Nicholls' officers take possession of the offices in the State without mob violence, would there be military interference, he replied that there would be none; that the military would be used as it had been once in New York, and would be as in any of the States, to overcome a mob too formidable for the civil power or State authorities.

We have submitted the foregoing dispatch, of yesterday, to the President, who has revised it with his own hands, and authorizes us to state that in its present form it is absolutely correct. [Signed by a Committee of Conservatives.]

On the accession of President Hayes, March 4th, it was understood to be his determination to withdraw all military interference from the State, and allow the complications to be settled by the people through such legal agencies as were established. General Grant's avowed purpose of removing the troops from the State-House had been in some way defeated

or prevented, and an order issued to General Augur with that intent was never transmitted; but assurances had been given that the new President would not continue the policy of military intervention. This understanding seems to have been brought about through consultation between Mr. Charles Foster and Mr. Stanley Matthews, of Ohio, on the one side, and Mr. John Y. Brown, of Kentucky, and General J. B. Gordon, of Georgia, on the other. The expectation raised by it was generally believed to have an important effect in preventing any persistent opposition in the House of Representatives to the completion of the electoral count under the decisions of the Electoral Commission. The following writing, in connection with the understanding, was afterward made public by Mr. Brown:

Washington City, February 17, 1877.

GENTLEMEN: Referring to the conversation had with you yesterday, in which Governor Hayes's policy as to the status of certain Southern States was discussed, we desire to say that we can assure you, in the strongest possible manner, of our great desire to have him adopt such a policy as will give to the people of the States of South Carolina and Louisiana the right to control their own affairs in their own way, subject only to the Constitution of the United States and the laws made in pursuance thereof, and to say further, that from an acquaintance with and knowledge of Governor Hayes and his views, we have the most complete confidence that such will be the policy of his administration.

Respectfully,
STANLEY MATTHEWS.
CHARLES FOSTER.

To Hon John B. Gordon and Hon. J. Young Brown.

EXECUTIVE MANSION,
Washington City, April 20, 1877.

SIR: Prior to my entering upon the duties of the Presidency, there has been stationed, by order of my predecessor, in the immediate vicinity of the building used as the State-

House, in New Orleans, La., and known as Mechanics Institute, a detachment of United States infantry. Finding them in that place, I have thought proper to delay a decision of the question of their removal until I could determine whether the condition of affairs is now such as to either require or justify the continued military intervention of the National Government in the affairs of the State. In my opinion there does not now exist in Louisiana such domestic violence as is contemplated by the Constitution as the ground upon which the military power of the National Government may be invoked for the defense of a State. The disputes which exist as to the right of certain claimants to the chief executive office of that State are to be settled and determined not by the Executive of the United States, but by such orderly and peaceable methods as may be provided by the Constitution and laws of the State.

Having the assurance that no resort to violence is contemplated, but, on the contrary, the disputes in question are to be settled by peaceful methods, under and in accordance with law, I deem it proper to take action in accordance with the principles announced when I entered upon the duties of the Presidency. You are therefore directed to see that the proper orders are issued for the removal of said troops at an early date, from their present position to such regular barracks in the vicinity as may be selected for their occupation.

R. B. HAYES.

To Hon. George W. McCrary, Secretary of War.

Troops Withdrawn from South Carolina

Allen, *Chamberlain's Administration*, p. 479. New York *Times* report of a Cabinet meeting held April 2, 1876. Orders were issued on April 3 withdrawing the troops, which was done on April 10, and on the same day the Chamberlain administration disappeared. For the understanding in regard to the withdrawal of troops see the previous document. [1877]

AFTER freely discussing [a letter from Chamberlain], . . it was unanimously decided that the Federal Government has no constitutional right to intrude the army into the official headquarters of a State Government, except to quell riot or sup-

press domestic disturbance when the Government of a State is powerless to protect itself. This exception, in the opinion of the Cabinet, does not now apply to South Carolina; and the determination of the President, therefore, to withdraw the troops from the State-House, was unanimously approved, and Secretary McCrary was instructed to issue an order in accordance with this decision. The Secretary was engaged this afternoon in preparing the necessary order, which will probably be promulgated to-morrow. . .

The order will recite that there being no domestic violence, and no apprehension of any, the parties on both sides having given solemn pledges that none is intended, and having announced their intentions to amicably settle the dispute before the Courts, in accordance with the laws of the State, the President has no alternative but to abstain from interference. Hampton and Chamberlain were both notified of this decision of the Cabinet. Hampton had an interview to-day with Postmaster General Key and other members of the Cabinet, to whom he reported his assurances that he would not resort to violence, but would proceed against Chamberlain in the regular manner through the Courts; and until the question can be judicially settled he will allow no interference with Chamberlain or his supporters in their occupation of the Statehouse. Hampton says that as soon as the troops are withdrawn from the Statehouse he will station his own officers about it, and permit no one to interfere in any way with Chamberlain until the controversy shall be regularly decided by due process of law.

The President's Southern Policy

Allen, *Chamberlain's Administration*, p. 508. Speech of D. H. Chamberlain, July 4, 1877, at Woodstock, Connecticut. [1877]

WHAT is the President's Southern policy? In point of physical or external fact, it consists in withdrawing the military forces of the United States from the points in South Carolina and Louisiana where they had been previously stationed for the protection and support of the lawful Governments of those States.

In point of immediate, foreseen, and intended consequence, it consists in the overthrow and destruction of those State Governments, and the substitution in their stead of certain other organizations called State Governments.

In point of actual present results, it consists in the abandonment of Southern Republicans, and especially the colored race, to the control and rule not only of the Democratic party, but of that class at the South which regarded slavery as a Divine Institution, which waged four years of destructive war for its perpetuation, which steadily opposed citizenship and suffrage for the negro — in a word, a class whose traditions, principles, and history are opposed to every step and feature of what Republicans call our national progress since 1860.

In point of general political and moral significance it consists in the proclamation to the country and the world that the will of the majority of the voters of a State, lawfully and regularly expressed, is no longer the ruling power in our States, and that the constitutional guaranty to every State in this Union of a republican form of government and of protection against domestic violence, is henceforth ineffectual and worthless.

5. JUDICIAL INTERPRETATION OF THE RECONSTRUCTION LAWS

The Purpose of the Fourteenth Amendment

16 Wallace, p. 36. Opinion of Justice Miller. In effect decides that the Fourteenth Amendment does not limit the "police" powers of the states. [1872]

[BEFORE the adoption of the recent amendments] almost the entire domain of the privileges and immunities of citizens of the States . . lay within the constitutional and legislative power of the States, and without that of the Federal government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the federal government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? . .

Such a construction . . would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole

theory of the relations of the State and federal governments to each other, and of both these governments to the people; the argument has a force that is irresistible.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them. . .

If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed, by way of discrimination, against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision. It is so clearly a provision for that race and that emergency, that a strong case would be necessary for its application to any other.

The Scope of the Fourteenth Amendment

92 U. S. Reports, p. 542. Case of U. S. *vs.* Cruikshanks. Opinion by Chief Justice Waite. Follows the Slaughter House cases in declaring that national legislation enforcing the Fourteenth Amendment must be directed against violations by states, not by individuals. [October, 1875]

THE fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which preceded it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the national government is limited to the enforcement of this guaranty.

First Enforcement Act Unconstitutional

92 U. S. Reports, p. 214. Case of U. S. *vs.* Reese. Opinion by Chief Justice Waite. [October, 1875]

RIGHTS and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. . . The Fifteenth Amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. . . The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. . . It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act [May 31, 1870] are beyond that limit, they are unauthorized. . .

This act . . prescribes rules not provided by the laws of the States. It substitutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavits in the form and to the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law. This is a radical change in practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction, if it can be avoided. . .

The elector, under the provisions of the statute, is only required to state in his affidavit that he has been wrongfully prevented by the officer from qualifying. There are no words of limitation in this part of the section. . . If this statute limits the wrongful act which will justify the affidavit to discriminate on account of race, etc., then a citizen who makes an affidavit that he has been wrongfully prevented by the officer, which is true in the ordinary sense of the term, subjects

himself to indictment and trial, if not conviction, because it is not true that he has been prevented by such a wrongful act as the statute contemplated; and if there is no such limitation, but any wrongful act of exclusion will justify the affidavit, and give the right to vote without the actual performance of the prerequisite, then the inspector who rejects the vote because he reads the law in its limited sense, and thinks it is confined to a wrongful discrimination on account of race, etc., subjects himself to prosecution, if not to punishment, because he has misconstrued the law. . .

But when we go beyond the third section, and read the fourth, we find there no words of limitation, or reference even, that can be construed as manifesting any intention to confine its provisions to the terms of the Fifteenth Amendment. That section has for its object the punishment of all persons, who, by force, bribery, etc., hinder, delay, etc., any person from qualifying or voting. In view of these facts, we feel compelled to say, that, in our opinion, the language of the third and fourth sections does not confine their operation to unlawful discrimination on account of race, etc. If Congress had the power to provide generally for the punishment of those who unlawfully interfere to prevent the exercise of the elective franchise without regard to such discrimination, the language of these sections would be broad enough for that purpose.

Ku Klux Act Unconstitutional

106 U. S. Reports, p. 629. Case of U. S. *vs.* Harris. Opinion by Justice Woods. [October, 1882]

EVERY valid act of Congress must find in the Constitution some warrant for its passage. . . It is clear that the Fifteenth Amendment can have no application. . .

Section 5519, [a part of Section 2, of the Act of April 20, 1871], according to the theory of the prosecution, and as appears by its terms, was framed to protect from invasion by private persons, the equal privileges and immunities under the laws, of all persons and classes of persons. It requires no argument to show that such a law cannot be founded on a

clause of the Constitution whose sole object is to protect from denial or abridgment, by the United States or States, on account of race, color, or previous condition of servitude, the right of citizens of the United States to vote.

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the first and fifth sections of the Fourteenth Amendment. . . It is perfectly clear from the language of the first section that its purpose also was to place a restraint upon the action of the States. . . The legislation under consideration finds no warrant for its enactment in the Fourteenth Amendment. The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislative, and construed by its judicial, and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress. . . As, therefore, the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the Fourteenth Amendment to the Constitution. . .

Does the Thirteenth Amendment warrant the enactment of sect. 5519 of the Revised Statutes? We are of the opinion that it does not. Our conclusion is based on the fact that the provisions of that section are broader than the Thirteenth Amendment would justify. . . If, therefore, we hold that sect. 5519 is warranted by the Thirteenth Amendment, we should, by virtue of that amendment, accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus, under a

provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalogue of crimes. . .

There is only one other clause in the Constitution of the United States which can, in any degree, be supposed to sustain the section under consideration; namely, the second section of article 4. . . But this section, like the Fourteenth Amendment, is directed against State action. . . It was never supposed that the section under consideration conferred on Congress the power to enact a law which would punish a private citizen for an invasion of the rights of his fellow citizens, conferred by the State of which they were both residents, on all its citizens alike.

We have, therefore, been unable to find any constitutional authority for the enactment of sect. 5519 of the Revised Statutes. The decisions of this court above referred to leave no constitutional ground for the act to stand on.

Civil Rights Act Unconstitutional

109 U. S. Reports, p. 3. Civil Rights Cases. Opinion by Justice Bradley. [1884]

HAS Congress constitutional power to make such a law [Civil Rights Act, 1875]? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. . . It is State action of a particular character that is prohibited. Individual rights is not the subject-matter of the amendment. . . It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly

secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. . . Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said amendment nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. . . It is absurd to affirm that, because the rights of life, liberty and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. . .

Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual. . . If the principles of interpretation which we have laid

down are correct, as we deem them to be . . it is clear that the law in question cannot be sustained by any grant of legislative power to Congress by the Fourteenth Amendment. . . This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive course. It ignores such legislation and assumes that the matter is one that belongs to the domain of national regulation. . . Conceding the major proposition to be true, that Congress has the right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodation and privileges of an inn, a public conveyance, or a theatre, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the Thirteenth Amendment. . .

We are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State. . . No countenance of authority for the passage of the law in question can be found in either the Thirteenth or Fourteenth Amendment of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned. . . The first and second sections of the act of Congress of March 1st, 1875, entitled "An Act to protect all citizens in their civil and legal rights," are unconstitutional and void.

6. LEGISLATIVE UNDOING OF RECONSTRUCTION

Amnesty Act of 1872

Statutes at Large, vol. xvii, p. 142. [May 22, 1872]

Be it enacted . . (two-thirds of each house concurring therein), That all political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the thirty-sixth and thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

Limitation on Use of the Army

Public Laws, U. S. A., 45 Cong., 2 Sess., p. 152. Rider to Army Appropriation Act. [June 18, 1878]

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section and any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment.

Army not to be Used at Elections

Public Laws, U. S. A., 46 Cong., 2 Sess., p. 81. Rider to Army Appropriation Act. [May 4, 1880]

SEC. 2. That no money appropriated in this act is appropriat-

ed or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State: *Provided*, That nothing in this provision shall be construed to prevent the use of troops to protect against domestic violence in each of the States on application of the legislature thereof or of the executive when the legislature cannot be convened.

Federal Election Laws Repealed

Statutes at Large, vol. xxviii, p. 36. The effect of this Act was to discontinue Federal supervision over state elections. [February 8, 1894]

Be it enacted . . That the following sections and parts of sections of the Revised Statutes of the United States be, and the same are hereby, repealed; that is to say of title "Elective Franchise" sections . . [2002, 2005-2020] . . relating to the appointment, qualifications, power, duties, and compensation of supervisors of election; and also sections . . [2021-2031] . . relating to the appointment, qualification, power, duties, and compensation of special deputies; and also of title "Crimes," sections . . [5506, 5511-5515, 5520-5523] . . relating to election offenses. . .

Sec. 2. That all other statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be and the same are hereby repealed.

Disabilities Removed

Statutes at Large, vol. xxx, p. 432. [June 6, 1898]

Be it enacted . . That the disability imposed by section three of the Fourteenth Amendment to the Constitution of the United States heretofore incurred is hereby removed.

7. RESULTS AND LATER CONDITIONS

The Negro's Heritage from the Carpetbaggers

Wallace, *Carpet Bag Rule in Florida*, p. 345. [1885]

ALTHOUGH the carpet-bag Government was overthrown in 1876, a certain property was bequeathed to the colored people by the carpet-baggers which has been and still is to a certain extent very damaging and burdensome to them. They left upon the minds of thousands of our people the impression that the drunkard, the thief or the most ignorant were as fit to represent them in the government as the most intelligent and upright men of the race. They impressed upon the minds of thousands of our people the idea that the great privilege of the suffrage is a purchasable merchandise; that political meetings and conventions must be run and controlled by mobs, . . that the best way to accumulate money and acquire an education was to spend their time in gossiping in politics. The demoralization in which our people were left by the carpet-baggers is gradually being wiped out by the labors of the best men and women and by the colored press of the State. Our people are becoming fully awakened to the necessity of the proper education of their children. The greater portion of them, who heretofore spent their time in going around electioneering for the purpose of pulling carpet-baggers into office to the neglect of legitimate and profitable occupation, now turn their attention to acquiring property and education.

"A Hole in the Ballot-box"

Senate Report on Labor and Capital, testimony, vol. iv, p. 618. Senate committee (1883). Statement of a Georgia negro. [1883]

WHILST these bad politicians had possession of us, and while we hadn't been educated enough to understand how those men were doing, we were in trouble, but we came to look . . for ourselves. We thought we wouldn't vote just as we were told, but we would search a man and see if he was a reasonable man,

whether he was a Democrat or a Republican. Now many of us sometimes support the Democratic candidates as well as the Republican candidates, because we believe that a man who is a Democrat here is more honest than a Republican. . . We don't mind party lines at all now. We are looking out for the best interests of our people, and we are standing in the field and looking for the party that will do us the most justice. What we want is equal rights before the law. . . Some of them are good men, and they proved better men than the Republicans, but still we don't put the whole hog on them. . . And, again, we picked out some men and sent them to the legislature, and those men deceived us, and they made us hewers of wood and drawers of water to ride on. . . Still we are deprived of juries and various things. . . We elected one tax-collector and sent one to the legislature, and he staid there awhile, but the Democrats was in the majority, . . and he never came back any more. . . You see the Democrats was in a majority, and they passed a resolution to tie him up, and he didn't exactly understand the resolution, and some of them voted for the resolution, and whilst they done that it voted him out. . . We are in a majority here, but you may vote till your eyes drop out or your tongue drops out, and you can't count your colored man in out of them boxes; there's a hole gets in the bottom of the boxes some way and lets out our votes. Now, in other ways, we have been getting along very well. There was times when the days was dark; . . Now, when the Democrats get hold of the polls, all the votes are counted, and so we shall ask the Senator to sympathize with us, that we can all step up to the polls and vote without men using violence; they don't do it now, but they used to do it.

"Citizenship Made the Negro a Man"

Talbot, *Samuel Chapman Armstrong*, p. 260. Letter of S. C. Armstrong. Used by permission of Mrs. Talbot and Doubleday, Page and Company. [1887]

AFTER all, being a citizen and a voter has more than anything else made the Negro a man. The recognition of his manhood has done much to create it. Political power is a two-edged

sword which may cut both ways and do as much harm as good. In the main, it has, I believe, been the chief developing force in the progress of the race. It is, however, probable that this would not have been so had it not been for the support of a surrounding white civilization which, though not always kind, has prevented the evils which would have resulted from an unrestricted black vote.

The political experience of the Negro has been a great education to him. In spite of his many blunders and unintentional crimes against civilization, he is to-day more of a man than he would have been had he not been a voter. . . Manhood is best brought out by recognition of it. Citizenship, together with the common school, is the great developing force in this country. It compels attention to the danger which it creates. There is nothing like faith in man to bring out the manly qualities.

Suffrage furnished him (the Negro) with a stimulus which was terribly misused, but it has reacted and given him a training which it was out of the power of churches and schools to impart. The source of American intelligence is not so much the pedagogue as the system which gives each man a share in the conduct of affairs, leading him to think, discuss and act, and thus educating him quite as much by his failure as by his success.

Negro and White Artisans

P. A. Bruce, *Plantation Negro as a Freedman*, ch. xv. Used by permission of Mr. Bruce. Published 1889 by G. P. Putnam's Sons. [1889]

BEFORE slavery was abolished, every plantation . . was supplied with mechanics from the ranks of the negroes attached to it. . . No slaves played a more useful part in the economy of the plantation than the black mechanics. . . Emancipation had the same general effect on the mechanics as upon every distinct class of the negroes. . . Their desertion of the localities where they had always dwelt virtually meant, in most instances, the abandonment of the trades to which they had been trained by so many years of experience. . . The shops of the carpenters and wheelwrights (which are always similarly situated)

are usually occupied by white men . . one of the most discouraging features of the character of the negroes who have grown up since the war is their extreme aversion to the mechanical trades . . such pursuits constrain them to conform more closely than they like to a steady routine of work which is most arduous and trying, on the whole. . . The places of a few of the mechanics who were trained under the old regime, have been taken by young negroes who have been trained in industrial schools. . . Negroes who have been educated in industrial schools are, however, very rare. In consequence of this, as well as of the fact that the individuals of the race are not inclined to adopt mechanical pursuits, these pursuits, as the mechanics among the freedmen die, are in rural districts gradually falling into the hands of the whites.

The Abodes of the Blacks in Cities

Twenty-first *Report*, Freedmen's Aid Society, p. 45. [1888]

THEY live in low, damp basements or crowded attics, situated on narrow alleys reeking with filth and moral and physical pollution. Their miserable abodes are exposed to the chilly blasts of winter, with leaky roofs that offer but slight protection from the snow and rain. If they were able to do so, in many places they cannot, on account of their color, rent good houses in respectable localities. They often suffer from insufficient clothing, and children may be seen in their bare feet even in the midst of winter. Their food is often of poor quality and lacking in quantity, corn-bread, bacon, coffee, and molasses being the standard diet. They are obliged to labor early and late, wet or dry, cold or hot; and this, with their insufficient clothing, is frequently a prolific cause of disease.

Their ignorance concerning the laws of health is appalling. Their churches are usually crowded, and ventilation is almost unknown. In one of the largest churches in Nashville, in the basement of which services were held for several years, there was only about fifty cubic feet of air-space to each person, only one-tenth of what is necessary; and during protracted meetings they would remain in this poisonous atmosphere for hours.

Agriculture, 1860-1893

Report of Senate Committee on Agriculture and Forestry, on Cotton Production, vol. i, pp. 308-371, *passim*. The first and second selections are from Alabama planters' letters; the third is from Gen. Stephen D. Lee, then president of the Agricultural and Mechanical College of Mississippi. [1893]

[1] THE southern half of Henry and all of Geneva and Coffee counties are in the great pine belt [white districts], a comparatively newly-settled section. The farmers in this section of the district, as a rule, live on their farms and do their own work, and work with their hired help when they have any, and, as a rule, they raise their own supplies of meat and forage and some horses and mules, consequently are in better condition as cotton raisers than in any other portion of the district if not in the State. . .

The State legislature is largely responsible for the credit system, and the present odious negro tenant system, which has fastened the all-cotton system in all the *black belt*, which embraces what is known as the great cotton belt of the State. Soon after the war . . in a mistaken effort to assist the land-poor . . farmer, the legislature enacted what is known as the "crop lien law," making it legal to mortgage an unplanted crop to enable the cotton-raiser . . to borrow money and get advances to make a crop. Unfortunately this law had too wide a scope. It opened up the flood gates of the credit system and turned over the fairest portion of the State to negro tenants, who up to that time was content on the wage or share system to cultivate the lands under the intelligent direction of the land owner or his agent. . . The negro refused to be controlled or to work under the direction of the owner of the farm or an agent, as under this law he could get advances in mules, implements, and supplies as a tenant. The cotton-raisers were forced to rent to the labor on their lands or turn it out to the commons. The whole labor system was completely demoralized. All farm animals, cattle, and hogs, and forage soon changed hands or disappeared, and the farmers generally in this great cotton belt moved to the towns. The tenants relying upon the advancing merchant for food and forage and supplies, raised but little of

these necessities on the farm. . . Food crops now [1893] about 10 per cent. increase over three years ago, 40 per cent. over twenty years, and at least 50 per cent. less than in 1860.

[2] The depression and financial distress among cotton-growers in . . [Sumter] county is attributable, first, to the decline of labor and intelligent management, caused by the abolition of slavery. . . The second cause of said depression is what is known in commercial circles in the South as the "advancing system." Under this system the farm lands [in the Black Belt] are rented to thriftless negro tenants, who mortgage their crops to merchants in the villages and towns for supplies to raise them. Neither the owner of the land or the merchant exercises any control or management over the growing crops. . . The results of this system had been the waste of the farm lands, the destruction of the improvements upon them, and the cultivation of cotton, with very inferior methods of culture, to the practical exclusion of all other crops. The reason why this system came into existence was the demoralization and indolence of the negro after his liberation, and the inability of the landowners to get him to do the labor which he would contract to perform. . .

In 1860 the district [Black Belt] was a land of hog and hominy. Every farm, almost without exception, was self-sustaining; buying meat and corn was considered an evidence of bad management, and the doing so was the rare exception and by no means the rule, as has been ever since.

[3] In 1860 the cotton planters raised their own supplies, and their cotton crop was a surplus one. . . The difficulties of raising food and forage under the new order of things has caused this system to be abandoned. I do not believe it can ever be done again in the black or negro belt under the plantation system. Many have attempted it, but have failed. . . In the white region of the State . . where the white people largely outnumber the negroes, the people generally raise their meat, their forage, and other supplies, and raise their cotton crop as a surplus crop. The people are well to do, and are getting on well, notwithstanding the low price of cotton. Their land,

which formerly was not worth half as much as in black belts, is now valuable by double. . . There is no doubt of the fact that on the richer lands where the negroes are found the financial condition of white and black is worse than it is on the poorer or thinner lands where the white people outnumber the blacks.

Industrial Decay of the Black Belt

C. G. Smith, *Colonization of Negroes in Central Alabama* (pamphlet). Smith is a Northern missionary in the Black Belt. [About 1900]

A SECTION where the white population is rapidly on the decrease and the negro population on the increase; where the ignorance and destitution and suffering among the negroes are greater than in any other portion of the South. . . This section . . is almost the exact size of the German Empire. . .

He [the white in the Black Belt] certainly suffers as much, or more, because of given conditions, than the negro. The negro knew nothing better in the past. The conditions of which I shall speak have reduced the greater portion of the former wealthy class to comparative poverty. There are hundreds of "the old mansion houses" going to decay, the glass broken in the windows, the doors off hinges, the siding long unused to paint, the columns of the verandas rotting away and the bramble thickets encroaching to the very doors. The people have sold their lands for what little they could get and moved to the cities or towns, that they might educate their children and escape the intolerable conditions surrounding them at their old beloved homes. These people are the true aristocracy of the South. . . They are the best friends the negro has. They have this advantage over a Northern philanthropist; they know the negro, his faults and virtues, his weakness and strength. These friends have largely gone from the negro's life, and he is left alone in the wilderness, and, unless others come to take their place, his last state will be worse than his first.

Why this decadence? When freedom came to the slave, the one-time masters undertook to run the plantations by hiring the former slaves. Partly because the white man did not know

how to adjust himself to the new conditions, partly because the slave did not know how to use his freedom, the plantations could not be run, with profit, in this way. The renting of small plats of land, say forty or fifty acres, to a negro family was then generally adopted, and with better success. But this made the negro entirely his own master, and he was ignorant, improvident, and childish. Hence the white man was compelled to use what seemed to be harsh conditions in his contracts with the negro. He was obliged to compel him to raise a certain amount of cotton, on which he held a mortgage. But the negro had to live until his crop was raised, and no one would furnish him with supplies unless he gave a mortgage on the product of his toil. The double mortgages interfered with each other, and it finally developed that the way out of the difficulty was for the white man who rented the land to keep a supply station also. This could not be done by each plantation owner, so one man would rent or buy several plantations, create a supply station and sub-rent to negroes. This resulted, in time, in the formation of great monopolies, so that one man would control a whole county and have depending on him hundreds of negroes. The greater part of the white people, as above stated, moved to the cities and towns to commence again the battle of life under new conditions. Sometimes the man who controls is a just man and wise, and hence, in his section, suffering is at the minimum. Sometimes he is a carpetbagger, who, with a Northerner's push, is there to make money. Sometimes he is a man who has been raised in the South. . .

Land in this section of Alabama can be bought in small and large tracts for from six to seven dollars per acre. The usual rent asked on this land is three dollars per acre, or nearly one-half its actual value. The negroes who rent the land have nothing, hence they must get an advance supply of money for living until the crop is raised. This supply is granted by the landowner on condition that the renter plants and tills a certain amount of cotton, and on this he gives a mortgage. He cannot eat the cotton nor feed it, and he is compelled to take it to a certain place to have it ginned, and here it falls into the hands

of the landowner, and frequently no part of it belongs to the man who raised it when accounts are balanced, and he must start over again and beg for advance for food. Again mortgages are given on his future toil; then some year there comes a partial failure of crops. Then the landlord refuses to grant further advance, and the tenant is stripped of what he has, and turned out to seek a like fate somewhere else. This condition makes it impossible to have a settled community, and hence impossible to do permanent work in enlightenment.

Whites and Blacks as Cotton Producers

J. C. Hardy, in *South's Supremacy in Cotton Growing*, p. 8. Hardy is president of the Agricultural College of Mississippi. [1900]

WITH the coming in of such citizens as this section is now receiving and with the going out of many of our most trifling negroes, the productive power of our people will be greatly increased. One of the greatest losses the South has is the low productive capacity of her colored population. By improving the intelligence, industry and skill of her farm laborers the South can double her cotton production with every other condition remaining the same. To become convinced of this one has only to examine the statistics of the last census [1900], which shows the following facts:

Lowndes county [Mississippi], with three negroes to one white man, having 21,972 blacks and 7,121 whites, requires 3.15 acres to make a bale of cotton, while Jones county, with three whites to one negro, having 13,156 whites and 4,670 blacks, requires 1.98 acres to make a bale. The farm lands of Jones county are valued, as found in the census report, at $2.85 an acre, and the farm lands of Lowndes county are valued at $9.83 an acre.[1] Yet the poor lands of Jones county, under intelligent cultivation, produced nearly twice as much per acre as the rich lands of Lowndes county when cultivated mostly by negroes. Noxubee county, with more than five blacks to one white, having 26,146 blacks and 4,699 whites, requires 3.50 acres to make a bale of cotton, while Union county, with three whites to one

1. That is, in the Black Belt county $30.68 worth of land produces a bale of cotton; in the white county $5.64 worth of land makes a bale.

black, having 12,380 whites and 4,142 blacks, requires only 2.56 acres to make a bale. The farm lands of Noxubee county are valued at $7.12 and the lands of Union are valued at $4.81.[1] Hinds county, with three negroes to one white man, having 39,521 blacks and 13,037 whites, requires 2.50 acres to make a bale, while Perry county, with more than two whites to one negro, requires only 1.96 acres to make a bale. The farm lands of Hinds are valued at three times as much as are those of Perry. In the counties of Leflore, Boliver and Washington, where they have about eight negroes to one white man, but almost without exception the negroes are under white managers, they make one bale to every acre and a half, while in Lowndes, Noxubee and Monroe, where not many white managers are employed, they make on an average about one bale to three acres. While this difference is partly caused by a difference in the fertility of the two groups of three counties, yet the principal reason is due to the superior intelligence used in the management of the first group. This is proved by the fact that in every comparison made between a white county and a black one the black was the most fertile, yet the white was nearly twice as productive.

Morals after Twenty Years

Leigh, *Ten Years on a Georgia Plantation*, p. 237. [1885]

NOW for their present moral, physical, and intellectual condition, their own people will tell you . . that they will not only steal money when they get the chance, but their neighbors' poultry, and in fact nearly all they can lay their hands on. Yet before the war absolute confidence was placed in their trustworthiness, and that we were justified in so doing will be seen by some stories I have told in the foregoing pages, of their faithful guardianship of our property, and even money during the trying war times.

Formerly, the race was a most prolific one, and ten or fifteen children a common number to a family; now two or three seem to be the usual allowance, and many of the young women at

1. Black Belt land worth $24.82 produces a bale; land in a white district worth $12.31 produces a bale.

whose weddings I had assisted ten years or so ago, in answer to my question, "Have you any children?" would answer, "I had" one, two, or three, as the case might be, "but dey all dead." Always inclined to be immoral, they have now thrown all semblance of chastity to the winds, and when I said to my old nurse how shocked and grieved I was to find how ill-conducted the young girls were, so much worse than they used to be, she said, "Missus, dere not one decent gal left in de place." Their thirst for knowledge, which made young and old go to school as soon as the war was over, seems to have been quenched entirely, for, with one or two laudable exceptions, no one sends even their children to school now, and soon we shall have to introduce compulsory education. The only two negroes on the place who can write and add up accounts are the one we had educated at the North, and the one we had in England three years. And yet it is twenty years since they were free, and have been their masters.

"Coming out of Egypt"

Senate Report on Labor and Capital, testimony, vol. iv, p. 776. Statement of Bishop Halsey of the Colored M. E. Church. [1883]

IT does seem sometimes that our people are not making much progress in the improvement of morals, but my belief is that there is a very great progress made in that direction. . . I believe we are passing from chaos to order. If you will allow me to use negro phraseology, we are "coming out of Egypt," and our people say that there must be a wilderness between Egypt and the promised land. They say, "What else can you expect," and they say that for the last ten or fifteen years they have been in the wilderness. We have had a number of Moseses, you know, a great many of them, who have led us one way and another.

Criminal Negroes

Bruce, *Plantation Negro*, ch. vi. Copyright 1889. Used by permission of Mr. Bruce. [1889]

THEY violate the principal clauses of the Criminal Code less

often than we would be led to expect. . . They rarely become desperate and turbulent by the force of the most vehement passion, except when under the dominion of an ardent physical appetite. . . It should not be forgotten, too, that his usual temper is mild and easy, reflecting in its brightfulness and cheerfulness the sunny climate of his primitive continent. . . The greater number of the brawls in which individuals of their race are involved among themselves have their incentive in the vehement passions aroused by heated disputes as to proprietorship in women. . . The negro is not disposed to have affrays with members of the other race. . . Rape is the most frightful crime which the negroes commit against the white people, and their disposition to perpetrate it has increased . . and it will be seen that this disposition will grow in proportion as that vague respect which the blacks still entertain for a white skin declines. . . White women of every class, from the highest to the lowest, are afraid to venture to any distance alone, or even to wander unprotected in the immediate vicinity of their homes; their appreciation of the danger being as keen, and their apprehension of corporal injury as vivid, as if the country were in arms.

Societies among the Blacks

Senate Report on Labor and Capital, testimony, vol. vi, p. 344. Statement of Mrs. Ward. These societies are an important factor in negro social life. [1883]

THERE is a society organized among them to look after and provide for the wants of those who are out of a job. That makes them perfectly independent and relieves them from all fear of being discharged, because when they are discharged they go right straight to some of these "sisters." They have a great many societies and they have some funny names for them. They have the society of the "Immaculate Doves," and the society of the "Sisteren," and the society of the "Beloved Disciples," and societies with all kinds of curious names within their church organizations, and those societies undertake to take care of their members. When one dies the members all come out in uniform, men and women, and parade up

and down the town with white bonnets and black dresses, and, in fact, whenever they hear of the death of any brother or sister it is just like a "'scursion" to them.

Hostility of the Low Whites

Senate Report on Labor and Capital, testimony, vol. iv, p. 380. Statement of J. A. Scott, a negro lawyer of Birmingham. [1883]

I CAN say that the advancement and progress of the colored people has been remarkable. The fact that they have rushed into the towns in the South has been caused by a desire which took possession of them just after the surrender and during the days of reconstruction, to obtain protection. The colored people and the poor white people have been two distinct classes, and they have been antagonistic to each other ever since they have been together in this country, and that natural antagonism just after the war was intensified, and all the trouble and disorder that we had in the South was the result, I believe, of the antagonism and bad feeling which existed between those two classes. During the days of slavery a colored man would refer to a poor white man as poor white trash, and there was a natural antipathy between them, and there has always been bad feeling.

"The Only Trouble Now"

Senate Report on Labor and Capital, testimony, vol. iv., p. 454. Statement of J. K. Green, negro, formerly a politician, now a carpenter in Montgomery, Alabama. [1884]

HERE is the only thing that we are troubled about now, about civil rights. A colored man and his wife may go to work to get a little home, may go hungry and naked to educate a daughter, the dearest treasure that they have got, and the very moment that she begins to come up there is an inroad made upon her by the whites of this country, and we have got no redress in the world. They can't deny that. Now I want as much civil rights and rules to regulate and protect my family as any white man does, and if I catch a man under such circumstances I won't hurt him but once! . .

That is what we want, to protect the virtue of our girls. That is the rights I want. I don't want no social equality with the white people, and I don't want them to have none with me. I see the influence of this thing every day. There has been a time when they were opposed to such things, but now that we are free the parents of the children can't even protect their children, and there ain't a white man here can deny it. That is the trouble in this country. Give the nigger a chance and he is going to till the white man's soil, and he is going to keep out of his house too. There is some fools, of course, but generally if they let the nigger alone he won't interfere with them.

A gentleman white man won't lose no time to aggravate and insult and abuse away his time with a colored man unless he happens to be drunk. It is no hard thing for us to get along with the gentlemen in this country. You can get along with the gentlemen here or anywhere, on the cars or on the streets, or anywhere.

Jim Crow Cars

Senate Report on Labor and Capital, testimony, vol. iv, p. 382. Statement of J. A. Scott, a negro lawyer. [1883]

THERE has been a universal discrimination here in Alabama, and, indeed, all over the South, in the treatment of the colored people as to cars they are permitted to ride in. The white people have always labored under the impression that whenever a colored man attempted to go into a ladies' car, he did it simply because it was a car for white people. Now if the white people looked at it as we look at it, taking a commonsense view of it, they would see that that idea is erroneous and false. We go into those cars simply because there are better acommodations there, and because we secure better protection in the ladies' car, for the general sentiment of the white men certainly protects their ladies. But in the cars allotted to the colored people a white man comes in and smokes cigars, and chews tobacco, and curses and swears, and all that kind of thing, and the conductors on the various roads don't exercise their powers for the protection of the colored passengers. We made these complaints to the railroad commission, and the president of the commission told us that it was a matter within their jurisdiction, and that they would take cognizance of it, and would see that those complaints were looked into, and those evils remedied. We asked simply for equal accommodation and protection with the white people in riding on the railroads, and the 22d day of this month was set for a final hearing, and the superintendent of railroads was summoned to be there at the final hearing of the matter, and we have the assurance of the gentlemen of the commission that the subject will be acted upon promptly, and that the vexed question — for this is one of the most vexed questions that we have to deal with in the South — will be settled. We expect, therefore, that so far as Alabama is concerned, the people of both races will have equal accommodation. Our people do not care whether they are put in the front of the train or in the middle or at the tail end, so long as they have proper accommodation and proper protection.

Superstition among the Blacks

Twenty-first *Report*, Freedmen's Aid Society, p. 45. This report represents conditions, not general, but widespread; it also is an indication of that discouragement that came over the Northern missionaries after the 70's. [1888]

THE Christian religion is supposed to lengthen the lives of those who possess it; but when it takes the form of fatalism, it has the contrary effect. When a person believes that he can not die until his time comes, he is likely to become careless in regard to his health, and neglect those things which would tend to preserve it; and when sickness comes, it is, of course, useless to call a physician, as he would be unable to overrule the decrees of fate; but it is certainly a great satisfaction to the doctor who may be called to attend such a case, and the patient dies, to be informed by the friends that they felt that he had done all he could, and that no one, however skillful, could have saved the person's life; for it was manifest that the time to die had come. Superstition plays no small part in increasing the deathrate. Voudoo doctors, conjurers, and quacks, here find a most inviting field in which to ply their art.

This superstition is apparently of African origin, modified and changed, with large additions derived from the white man and the Indian. In some of its phases it closely resembles the old New England witchcraft, with other names which signify the same thing. When a person is said to be "tricked," it means the same as good old Dr. Mather would have called bewitched; and if popular opinion is to be believed, it is of common occurrence at the present day. . .

I was once called upon to prescribe for a woman who seemed to be suffering from some obscure disease. My treatment was attended with rather indifferent success. One day her uncle met me on the street, and said: "We have found out what was the matter with my niece. We suspected that she had been tricked, and on opening the pillow we found a bag there, which was the cause of her sickness. We removed it; at once she began to recover, and is now nearly well."

The Negro Churches

(1) Wallace, *Carpet Bag Rule in Florida*, p. 346, and (2) Montgomery Conference, *Race Problems*, p. 120. The first statement is by a negro; the second by a white missionary to the blacks. Within the past twenty years numerous capable and moral negro ministers have made their influence felt and though they are probably still in a minority yet it is an increasing one. [1885, 1900]

[1] THE future is full of hope. Prejudice on account of color, is passing away, and the negro has experienced his worst day in this state. But there is one pillar under the right-hand corner of this great edifice of progress that is full of decay and which threatens its destruction. It is the greatest enemy of our people, and must be met and destroyed. Whence comes this threatened danger? Strange, but nevertheless true, it proceeds from the house of God, and its name is Immorality — Licentiousness. Numbers of immoral and ignorant men have invaded the pulpits of our churches and are using the livery of Heaven to serve the Devil in. In some of the church denominations the Board of Examination of candidates to preach are in no better standing as to morality and education than are the candidates, and therefore, often, unfit candidates have no trouble in procuring a license to preach. In many instances these disciples of Satan are frequenters of bar-rooms, and their conduct is no better than the lowest class that frequent such places. These men have in times past been guilty of every wrong that can be committed against innocence and virtue, and have violated every moral law and obligation. It will require energetic work and patient teaching to put up the bars against them.

[2] The Negro churches have grown too rapidly. The very aggressiveness which separate existence has developed has been a source of trouble to the church. Instead of a considerable number of churches which would be real bearers of light to the race, there are a great multitude of them with the line so poorly marked between the church and the world that it is difficult to tell where one begins and the other ends. It is a fact worth mentioning that of the Presbyteries in which the church I serve as secretary is interested, those which have been in organic connection with our white synods are composed of a class of men superior to those in those Presbyteries which have had for a number of years an independent existence. I think that having been in touch with the white synods has helped them to keep up their standard. The Negro is not a strong race. Neither sentiment nor legislation can exalt him to such a position. His best friends will appreciate this and regarding him as a subject of missionary work, endeavor to help him here in the same way that we would help him in Africa. In my judgment the spiritual condition of the Negro is in its worst possible stage. It is a condition which calls loudly for some action on the part of white people.

8. LIMITATION OF THE SUFFRAGE

Mississippi Suffrage Plan

Constitution of the State of Mississippi, adopted November 1, 1890. The first of the Southern constitutions to limit the suffrage and thereby disregard the limitation placed upon the state when readmitted after the war. For the limitations see Volume I, pp. 476, 477, 478. [1890]

SEC. 241. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this State two years, and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid, on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law for the two preceding years . . and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector. .

Sec. 242. The Legislature shall provide by law for the registration of all persons entitled to vote at any election. . .

Sec. 243. A uniform poll tax of two dollars to be used in aid of the common schools . . is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years. . . No criminal proceedings shall be allowed to enforce the collection of the poll tax.

Sec. 244. On and after the first day of January, A. D. 1892 . . every elector . . shall be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. . .

Sec. 264. No person shall be a grand or petit juror unless a qualified elector and able to read and write.

South Carolina Suffrage Plan

Constitution of the State of South Carolina, article II. Adopted December 4, 1895. South Carolina was the next state after Mississippi to limit the exercise of the suffrage. [1895]

SECTION 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the County one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable. . .

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this Article.

(c) Up to January 1st, 1898, all male persons of voting age applying for registration who can read any Section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, . . shall be filed, . . and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. . .

(d) Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any Section of this Constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars ($300) or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year.

The "Grandfather" Plan

Constitution of the State of Louisiana, adopted May 12, 1898. In force after December 31, 1898. "Grandfather" clause in operation after September 1, 1898. [1898]

[ARTICLE 197] Sec. 3. He [the elector] shall be able to

read and write, and shall demonstrate his ability to do so when he applies for registration, by making, under oath administered by the registration officer or his deputy, written application therefor, in the English language, or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, except the form of application. . .

Sec. 4. If he be not able to read and write, as provided by Section three . . then he shall be entitled to register and vote if he shall, at the time he offers to register, be the bona fide owner of property assessed to him in this State at a valuation of not less than three hundred dollars . . and on which, if such property be personal only, all taxes due shall have been paid. . .

Sec. 5. No male person who was on January 1st, 1867, or at any date prior thereto, entitled to vote under the Constitution or statutes of any State of the United States, wherein he then resided, and no son or grandson of any such person not less than twenty-one years of age at the date of the adoption of this Constitution, and no male person of foreign birth, who was naturalized prior to the first day of January, 1898, shall be denied the right to register and vote in this State by reason of his failure to possess the educational or property qualifications prescribed by this Constitution; provided, he shall have resided in this State for five years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898, and no person shall be entitled to register under this section after said date. . .

A separate registration of voters applying under this section, shall be made by the registration officer of every parish. . .

The registration of voters under this section [5] shall close on the 31st day of August, 1898, and immediately thereafter the registration officer of every parish shall make a sworn copy,

in duplicate, of the list of persons registered under this section, showing in detail whether the applicant registered as a voter of 1867, or prior thereto, or as the son of such voter, or as the grandson of such voter, and deposit one of said duplicates in the office of the Secretary of State . . and the other of said duplicates shall be by him filed in the office of the Clerk of the District Court of the parish. . .

All persons whose names appear on said registration lists shall be admitted to register for all elections in this State without possessing the educational or property qualification prescribed by this Constitution, unless otherwise disqualified, and all persons who do not by personal application claim exemption from the provisions of sections 3 and 4 of this article before September 1st, 1898, shall be forever denied the right to do so. . .

Art. 198. No person less than sixty years of age shall be permitted to vote at any election in the State who shall not, in addition to the qualifications above prescribed, have paid on or before the 31st day of December, of each year, for the two years preceding the year in which he offers to vote, a poll tax of one dollar per annum, to be used exclusively in aid of the public schools of the parish in which such tax shall have been collected. . .

Art. 200. No person shall vote at any primary election or in any convention or other political assembly held for the purpose of nominating any candidate for public office, unless he is at the time a registered voter. And in all political conventions in this State the apportionment of representation shall be on the basis of population.

"Old Soldier" and "Grandfather" Plans

Constitution of the State of Alabama, adopted 1901. Permanent provisions in force after 1902. The Virginia constitution adopted later in the same year has practically the same provisions. [1900]

[178] To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote,

and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year. . .

[180] The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the 20th day of December, 1902, 21 years old or upwards, who, if their place of residence shall remain unchanged, will have at the date of the next general election the qualifications as to residence prescribed in Section 182 of this constitution, shall upon application be entitled to register as electors prior to the 20th day of December, 1902, namely:

First — All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in the war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second — The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Third — All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

[181] After the first day of January, nineteen hundred and three, the following persons, and no others, who will have . . qualifications as to residence . . shall be qualified to register as electors. . .

(1) Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work, and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

(2) The owner in good faith, in his own right, or the husband of a woman who is owner in good faith, in her own right, of forty acres of land situated in this State, upon which they reside; or the owner in good faith, in his own right, or the husband of any woman who is owner in good faith, in her own right, of real estate, situated in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at three hundred dollars or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment [shall] have been legally contested and is undetermined.

[183] No person shall be entitled to vote or participate in any primary election, party convention, mass meeting or other method of party action of any political party or faction who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article.

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